

ORIGINAL TRANSCRIPT

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

\* \* \* \* \*  
USA, ET AL., SIMONEAUX NO.: 3:12-CV-00219

VERSUS

E.I. DU PONT DE NEMOURS  
& COMPANY

\* \* \* \* \*

The deposition of DANIEL MONHOLLAND  
Taken on Monday, the 9th day of December, 2013  
Commencing at 12:40 p.m.  
at the offices of  
Kuchler, Polk, Schell, Weiner & Richeson, LLC  
1615 Poydras Street, Suite 1300  
New Orleans, Louisiana 70112

REPORTED BY: ELICIA H. WOODWORTH, C.C.R.

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## I N D E X

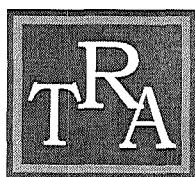
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1 APPEARANCES:

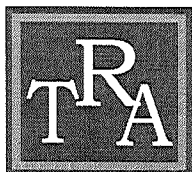
2 REPRESENTING JEFFREY M. SIMONEAUX:

3 Jane H. Barney, Esquire  
4 J.H. Barney Law Firm, LLC  
2561 CitiPlace Court, Suite 750-161  
5 Baton Rouge, Louisiana 70808

6 REPRESENTING E.I. DU PONT DE NEMOURS AND COMPANY:

7 Lori A. Waters, Esquire  
8 On behalf of  
Monique M. Weiner, Esquire  
9 Kuchler, Polk, Schell, Weiner & Richeson, LLC  
1615 Poydras Street, Suite 1300  
10 New Orleans, Louisiana 70112

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25 REPORTED BY: ELICIA H. WOODWORTH, C.C.R.



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## 1 STIPULATION

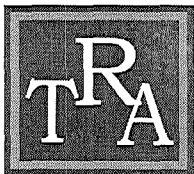
2  
3 It is stipulated and agreed by and between all  
4 parties that the deposition of Daniel Monholland is  
5 hereby being taken under the Louisiana Code of Civil  
6 Procedure for all purposes.  
7

8 The witness has not waived the right to read and  
9 sign the deposition. The original is to be retained by  
10 Jane H. Barney, Esquire for proper filing with the Clerk  
11 of Court.  
12

13 All objections, except those as to the form of  
14 the question and the responsiveness of the answer, are  
15 hereby reserved until the time of the trial of the  
16 cause.  
17

18 \* \* \* \*

19 Elicia H. Woodworth, Certified Court Reporter in and for  
20 the State of Louisiana, officiated in administering the  
21 oath to the witness.  
22  
23  
24  
25

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1 DANIEL MONHOLLAND,  
2 Having been first duly sworn, was examined and testified  
3 as follows:

4 EXAMINATION BY MS. BARNEY:

5 Q. Good afternoon, Mr. Monholland.

6 Could you state your full name and address for  
7 the record, please.

8 A. Daniel Scott Monholland. Do you need me to spell  
9 it or anything?

10 Address is 14086 Airline Highway, Apartment  
11 Number 2624, Gonzales, Louisiana 70737.

12 Q. How long have you lived there?

13 A. Since June of 2011.

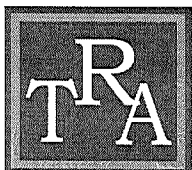
14 Q. Where did you live before that?

15 A. Blacksburg, Virginia.

16 Q. Okay. Have you ever given a deposition before?

17 A. No.

18 Q. Okay. Basically, the way it works is I ask  
19 questions and you answer and the court reporter takes  
20 down the questions and the answers. One thing to watch  
21 for is us talking over each other. It kind of becomes a  
22 conversation sometimes and you can tell where I'm going  
23 or I hesitate in my question and you think I'm finished,  
24 you know. There's lots of ways that we can walk over  
25 each other, but if we can try to give a little time for



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1 each of us to finish our question and answer, then the  
2 court reporter can take everything down better.

3 A. Okay.

4 Q. Also, if you could answer yes or no  
5 affirmatively, rather than say "uh-huh" or nod your head  
6 because, you know, I can see you, but the record is just  
7 taking down the words. And I'll try to remind you and  
8 the court reporter may help us, also, if you start  
9 nodding or not answering out loud.

10 Are you on any medication that would make it hard  
11 for you to understand questions --

12 A. No.

13 Q. -- and give answers?

14 A. No.

15 Q. Okay. Did you do anything to prepare for your  
16 deposition today?

17 A. Me and Ms. Lori met this morning for a couple  
18 hours.

19 Q. Okay.

20 MS. BARNEY:

21 Lori, are you representing  
22 Mr. Monholland?

23 MS. WATERS:

24 Yes.

25 MS. BARNEY:



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1 Okay.

2 BY MS. BARNEY:

3 Q. Did you look at any documents in preparation for  
4 your deposition today?

5 A. A few.

6 MS. WATERS:

7 Those are all of the documents we looked  
8 at.

9 MS. BARNEY:

10 Ms. Waters just handed me what's Bates  
11 numbered DSF 1030 --

12 MS. WATERS:

13 They're not in order. I'm sorry.

14 MS. BARNEY:

15 Okay.

16 -- through 1037, and DSF Bates number 15  
17 through 23, DSF 83, DSF 16 through 18.

18 MS. WATERS:

19 Is that 1016 through 1018?

20 MS. BARNEY:

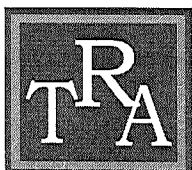
21 Yeah, 1016 through 1018.

22 MS. WATERS:

23 Okay. Just to clarify.

24 MS. BARNEY:

25 Did I say 16 through 18?



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1 MS. WATERS:

2 Yeah.

3 MS. BARNEY:

4 Okay.

5 BY MS. BARNEY:

6 Q. Did you bring any of these documents with you?

7 A. No.

8 Q. Okay. Have you been involved in any of the  
9 document gathering for this case that you know of?

10 A. Yes.

11 Q. Okay. About how many times would you say you  
12 were involved in gathering documents for this case?

13 A. Two to three times.

14 Q. What types of documents were you in charge of  
15 gathering?

16 A. I helped in gathering of pictures of equipment,  
17 of repair pictures during the 2013 turnaround, and  
18 that's essentially it.

19 Q. Okay.

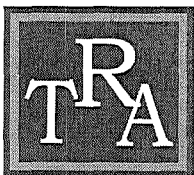
20 A. Oh, I'm sorry. One -- and a PFD of the plant.  
21 Those are the two.

22 Q. A Process Flow Diagram --

23 A. Process Flow Diagram.

24 Q. -- of the plant?

25 A. Right.



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1 MS. BARNEY:

2 Is it okay if I grab a cup of coffee?

3 (A recess was taken.)

4 BY MS. BARNEY:

5 Q. All right. Can you give me your educational  
6 experience? Let's start with high school, where you  
7 were and what high school.

8 A. I was home-schooled in high school.

9 Q. Okay.

10 A. From high school, I received an Associate's  
11 degree from Mountain Empire Community College in  
12 Computer Networking at the age of 17.

13 From there, I joined the U.S. Army. Did  
14 approximately three years of active service duty under  
15 the job of combat engineer.

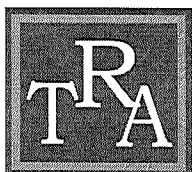
16 Q. What kind of engineer? I'm sorry.

17 A. Combat engineer. They deal mostly with the  
18 deployment and the removal of explosives.

19 Q. Okay.

20 A. From there, I was discharged honorably from  
21 active duty, placed into a reserve unit.

22 From there, I started attending Virginia  
23 Polytechnic Institute State University, otherwise known  
24 as Virginia Tech. From there, I received a Bachelor's  
25 of Science in chemical engineering and a Bachelor's of



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1 Arts in chemistry with minors in mathematics.

2 Q. How long were you in the Army position? Did I  
3 miss that?

4 A. I did three years of active duty service and  
5 approximately three years of reserve service.

6 Q. Okay. Was the reserve during your college  
7 education?

8 A. That's correct.

9 Q. And when did you graduate from Virginia Tech?

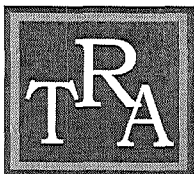
10 A. Spring of 2011.

11 Q. What did you do then?

12 A. I received a job offer from DuPont earlier that  
13 year, so after graduation, I moved down here and began  
14 working at Burnside.

15 Q. Did you apply for a job with DuPont as part of a  
16 sort of college recruiting effort, or how did you come  
17 to apply with DuPont?

18 A. It was at a job fair at the university. I  
19 interviewed with them and then did the onsite interview  
20 in Wilmington. On top of that, I also worked for  
21 Marathon Oil for approximately a year in Minnesota as a  
22 process engineer as well. That was sort of a  
23 work-your-way-through-college-type program, a co-op  
24 where you work for a year with the company and then you  
25 get paid and you go back to school.



1 Q. So did you do that during your college time? You  
2 took some time off from Virginia Tech?

3 A. Yes. Yes.

4 Q. Okay. About what year was that? 2009 or 2010?

5 A. I think 2009. I mean, it was different  
6 semesters. I'm not prepared to give exact dates, but,  
7 yeah, I think 2009/2010 was a good range.

8 Q. Do you remember who you reported to at Marathon?

9 A. Yes.

10 Q. Who was that?

11 A. That was Jimmy DeVito.

12 Q. DeVito?

13 A. Uh-huh.

14 And Jason Akey.

15 Q. How do you spell that, Akey?

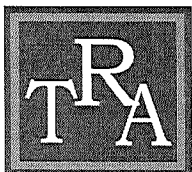
16 A. I want to say it's A-K-E-Y. It's been a while,  
17 though.

18 Q. Did you get grades at that work or you just --

19 A. No. There was no grade. It was just sort of  
20 like a paid internship. They give you, you know, job  
21 experience, you know.

22 Q. So you interviewed with DuPont for a process  
23 engineer job, or what was the starting position?

24 A. Well, I interviewed for DuPont in what's referred  
25 to as a field engineering program. A field engineering



1 program is a rotational program that DuPont does with  
2 their engineers where you, you know, essentially, say I  
3 work here for two to three years and then you're going  
4 to decide where else to send me to give me experience in  
5 the corporation. So it was most likely going to be a  
6 process engineering job, but there was no way to know  
7 that for sure. It could have been something else, but  
8 just the field engineering program, I think.

9 Q. All right. So you interviewed at the job fair  
10 and you graduated in?

11 A. May 2011.

12 Q. May 2011. And then when did you start with  
13 DuPont?

14 A. June 2011.

15 Q. And where did you start working?

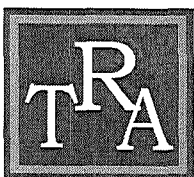
16 A. DuPont Burnside.

17 Q. So you relocated down to Louisiana at that point?

18 A. Yes.

19 Q. Did you have to interview with anyone at  
20 Burnside, or was it a corporate hire?

21 A. It was essentially -- wait. Yes, I had to  
22 interview with a -- I got the job with the field  
23 engineering program, which required an interview on  
24 campus and an interview at the corporate office in  
25 Wilmington.



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1 In addition to that, I was flown to El Paso,  
2 Texas to interview with a Melissa Noland for the  
3 position either at El Paso or Burnside. I was chosen  
4 for the position at Burnside.

5 Q. So you didn't really meet with anybody from  
6 Burnside before you took that job?

7 A. Not directly from the site. Melissa Noland at  
8 the time was the quality manager for all of the acid  
9 circuit.

10 Q. Was she going to be your supervisor?

11 A. She was for a period, yes.

12 Q. And how long was she your supervisor?

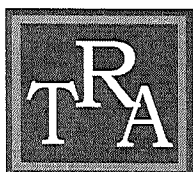
13 A. Not very long. I want to say three to six  
14 months, but exact dates, I don't know. It was not very  
15 long.

16 Q. And who became your supervisor after she --

17 A. After her, she transferred to another business  
18 unit. Then it was Curtis Tridipole (spelled  
19 phonetically). He was probably my supervisor for two  
20 months, and then shortly after that, it became Don  
21 Janezic. He's still my supervisor.

22 Q. Okay. And Don Janezic was the plant manager at  
23 Burnside until maybe February 2011?

24 A. Right. I don't know who it was before I started  
25 working there.



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1 Q. Okay. So when you got to Burnside, Don was in  
2 what position?

3 A. I don't know. I know that when he became my  
4 boss, he took over as the ATC technology manager. I'm  
5 not sure what he was doing between that.

6 Q. Okay. Yeah, because you were at Burnside for  
7 maybe six or seven months before he became your  
8 supervisor?

9 A. I think that's about right.

10 Q. Okay. So he's still your supervisor?

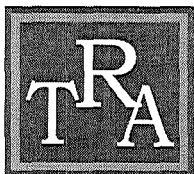
11 A. He is.

12 Q. In obtaining this position at DuPont or getting  
13 started in it, did you have any interaction with Lewis  
14 Chu?

15 A. Yes. Lewis was the senior manufacturing  
16 technology engineer. He was assigned with -- to support  
17 Burnside in particular. So he supported Burnside from  
18 his office in Wilmington, but he would visit -- I don't  
19 know the frequency, but he would visit once in a while  
20 to check in, to help us out with the problems, but I was  
21 the full-time sort of technical engineer there to help  
22 out with the day-to-day problems.

23 Q. So you did not report to Lewis Chu at any point?

24 A. Not directly, no. He was, however, you know, a  
25 very big mentor from the technology standpoint. I



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1 believe he was given, you know, the task to get me up to  
2 speed, so to speak.

3 Q. On the technology side, you said?

4 A. Yes.

5 Q. Has your job title changed any since you started  
6 with DuPont in June of 2011?

7 A. Not on a permanent basis. I did briefly take  
8 over for Elizabeth Cromwell during maternity leave for I  
9 think three months, but I think on a permanent basis,  
10 it's still the same title.

11 Q. What's that title?

12 A. Assistant to operations.

13 Q. And Elizabeth Cromwell is the operations  
14 supervisor; is that right?

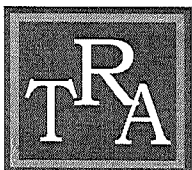
15 A. That's correct, manager supervisor.

16 Q. Manager. But as operations assistant, you don't  
17 report to her?

18 A. No. Assistant operation is a DuPont term for  
19 process engineer, sort of DuPont specific industry-wide.  
20 I don't think that term makes a lot of sense, but within  
21 DuPont, that essentially means process engineer.

22 Q. Okay. In that position, what are your job  
23 responsibilities?

24 A. Primarily, it is to monitor the process of the  
25 DCS and field instrumentation, gathering gigabytes of



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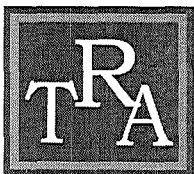
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1 data on a daily basis. My main job is to gather the  
2 data, observe it, try to predict possible failures of  
3 equipment or disruptions in production and attempt to  
4 make suggestions or recommendations to operations in  
5 order to run the process more efficiently and more  
6 safely. That would be the primary role of the process  
7 engineer.

8         Secondarily, I am that operations service from a  
9 technical standpoint or technical troubleshooting  
10 standpoint. So if operations is having some technical  
11 problems with the process or certain pieces of  
12 equipment, I am typically the first guy who's sort of  
13 made aware if I don't already know about it and maybe  
14 help them out with that. And if there is -- you know,  
15 the solution to the problem requires capital money, then  
16 I would procure the capital and begin the project  
17 process.

18         I'm also the stock quality lead, so I'm  
19 responsible for essentially product quality to the  
20 customers. So that deals with distribution some and  
21 really just quality parameters, sulfuric acid such as  
22 strength, iron concentration, things like that.

23         I'm also the onsite PHA resource. I lead all  
24 PHAs, which are Process Hazard Assessments, for the site  
25 and I make the recommendations to make the process safer



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1 and see those recommendations to conclusion. I'm DuPont  
2 certified to be that resource. I received a full week  
3 of training. And, also, as assistant to multiple PHAs  
4 before, I was allowed to do that individually.

5 Q. Other than the one-week training you just  
6 mentioned with the Process Hazard Assessment, did you  
7 have any other training after you started with DuPont?

8 A. Formally, I had the advanced PHA training. I had  
9 the advanced Process Safety Management training. I also  
10 had the chemical reactivity hazard assessment training.  
11 I want to say that's probably the formal corporate  
12 trainings that I received is probably those three.

13 Q. What was the second one? I'm sorry.

14 A. Chemical reactivity hazard training.

15 Q. And advanced PHA, and then what was the other  
16 one?

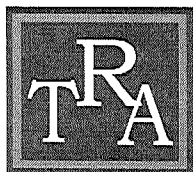
17 A. Advanced PHA, chemical reactivity hazards and PSM  
18 or Process Safety Management.

19 Q. And how long were those training courses?

20 A. The PSM training was two eight-hour days.  
21 Chemical reactivity was two 10-hour days. Advanced PHA  
22 training was five eight to 10-hour days.

23 Q. You did that training at Burnside or somewhere  
24 else?

25 A. The PSM training took place at Burnside. The



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1 chemical reactivity training took place at  
2 Pontchartrain. The advanced PHA training took place in  
3 -- what was that place called? La Porte, Texas.

4 Q. So were those general-type training programs that  
5 every engineer has to go through when they start at  
6 DuPont or what?

7 A. No. You have to sort of pursue that training.  
8 In other words, meet with your supervisor at the  
9 beginning of the year, look at what types of training is  
10 available and say, well, I would like to attend this one  
11 and work that out with him. It's not a requirement. I  
12 mean, it's a requirement if you wanted PHAs, of course,  
13 but I didn't have to pursue that route.

14 Q. But the training itself, that was corporate-level  
15 training?

16 A. That was all corporate-level training. That's  
17 right.

18 Q. Did it pertain specifically to acid plants?

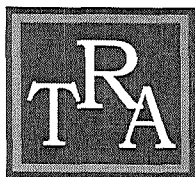
19 A. No, it did not.

20 Q. Okay.

21 A. I did receive some non-corporate training that  
22 pertained to acid plants.

23 Q. And what was that?

24 A. It was an eight to 10-hour class by Tom Mullar,  
25 who is the acid plant technology guardian, to give you a



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1 general technical overview of the contact process and  
2 the spin acid process.

3 Q. And he came out to Burnside?

4 A. He did.

5 Q. Did you receive that training with Tom Miller?

6 A. Tom Mullar.

7 Q. Right, but was Tom Miller in the same training  
8 class that you were?

9 A. No. It was just me and Tom Mullar.

10 Q. Okay. So when you got to Burnside, Tom Miller  
11 was the plant manager?

12 A. Yes.

13 Q. Did he have any decision, do you know, in whether  
14 or not to hire you or have you be the assistant to  
15 operations at Burnside?

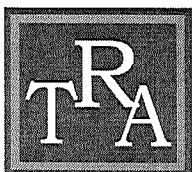
16 A. I'm not sure. I don't know.

17 Q. Okay. Do you report to Tom Miller in any way?

18 A. Technically, I report on Don Janezic, but I would  
19 say that, you know, since Tom Miller is the plant  
20 manager, I report probably more to Tom. But I guess  
21 kind of on the books, Don Janezic is my boss, if that  
22 makes any sense.

23 Q. Yes.

24 What about -- and you said you don't report to  
25 Elizabeth Cromwell; right?



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1 A. No.

2 Q. What about George Valentine; do you report to  
3 George Valentine?

4 A. No.

5 Q. What is his title right now?

6 A. From what I understand, it's consultant now.

7 Q. Okay.

8 A. I don't know his official title.

9 Q. Do you know who he reports to?

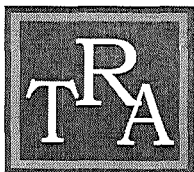
10 A. No, I don't know.

11 Q. Where is your office at DuPont Burnside?

12 A. It was originally in a doublewide trailer right  
13 outside of the administrative building. I was out there  
14 for about a year. Currently, it's inside the  
15 administration building.

16 Q. All right. What exactly is a PHA or Process  
17 Hazard Assessment?

18 A. A Process Hazard Analysis is an OSHA requirement  
19 for all new and current processes that fall under OSHA  
20 PSM guidelines. For DuPont, all PHAs are required for  
21 all what DuPont refers to as high hazard processes or  
22 HHPs and low hazard operations or LHO. PHAs are a  
23 quantitative or qualitative assessment of the risks  
24 associated with a particular process. For example, you  
25 may analyze the potential of overfilling a tank. What



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1 is the risk associated with it, what are the safeguards  
2 that we have to prevent the tank to be overfilled, what  
3 risks are we willing to accept, do we need to do a  
4 quantitative assessment of that risk.

5 Q. How many PHAs -- well, is a PHA something you  
6 conduct?

7 A. PHAs are conducted per OSHA law on every process  
8 that falls within OSHA PSM standards once every five  
9 years. That's referred to as OSHA cyclical PHAs. PHAs  
10 are also required for all new processes or process  
11 changes that change the process to such an extent that a  
12 PHA is warranted.

13 Q. And how do you decide if a change changes a  
14 process to such an extent that a PHA is required?

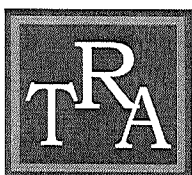
15 A. It's under the discretion of the technology team  
16 of the site, so that would be up to me, up to someone  
17 like Gene Clemons, Elizabeth Cromwell. That's a  
18 management decision. It's sometimes very obvious,  
19 sometimes not.

20 Q. You mentioned Gene Clemons. He's the maintenance  
21 supervisor?

22 A. That's correct.

23 Q. Have you performed any PHAs since you arrived at  
24 Burnside?

25 A. Yes.



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1 Q. How many?

2 A. I have completed three PHAs and am currently in  
3 the middle of another.

4 Q. All right. What were the three you completed?  
5 What were they about?

6 A. I completed the SO3 cyclical PHA, the oxygen skid  
7 PHA, the spent furnace brick hearing PHA, and I'm  
8 currently in the process of completing the acid plant's  
9 cyclical PHA.

10 Q. Acid plant?

11 A. Yes.

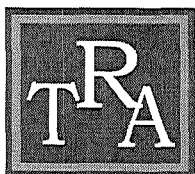
12 Q. When is the acid plant cyclical PHA due to be  
13 finished? When is the deadline?

14 A. December 18th.

15 Q. Who do the PHAs go to when you complete them?

16 A. They are signed off by all PHA team members, then  
17 recommendations from the PHA is sent to management.  
18 Management will make the call whether to either accept  
19 the recommendation as written or modify the  
20 recommendation as written at the consent of the PHA team  
21 or reject the recommendation that is written by the PHA  
22 team.

23 At that point, documentation is gathered. It's  
24 put in an order that's easily discernable, and the  
25 recommendations are issued.



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1 Q. They're what?

2 A. The recommendations are issued.

3 Q. To who?

4 A. To the site.

5 Q. Are there different PHA team members depending on  
6 which PHA you're working on or are they always the same?

7 A. Per DuPont's standard, all PHAs require a PHA  
8 lead facilitator, which would be someone like myself, a  
9 technology person, which is also someone like myself.  
10 So in most cases, I will take on the role of technology  
11 and PHA facilitator. And it also requires a person from  
12 maintenance and an operator from operations. That is  
13 the minimum requirements for a PHA. Our PHAs typically  
14 include that, plus other disciplines such as MIQA,  
15 liability and maintenance and even a member of  
16 management itself.

17 Q. When did you do the SO3 cyclical PHA?

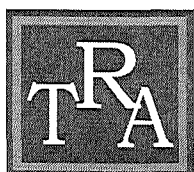
18 A. It was 2012.

19 Q. Who was on the team for that one?

20 A. I'm going to say who I know was on the team. I'd  
21 have to really look to tell you for sure. It was  
22 myself, Larry Howard, Percy Bell, John Bo Accord, Gary  
23 Simpson. That's all I can recall.

24 Q. Okay. So I guess Percy was the operator?

25 A. Correct.



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1 Q. And what was Larry Howard's role?

2 A. He was the PSM lead for the cluster. He was just  
3 sort of the PSM resource, I guess.

4 Q. The initiator facilitator person?

5 A. Yes. Yes. That's a good point. You know, I got  
6 the PHA training, and that was the -- after you get the  
7 training, in order to be certified to do it  
8 individually, you have to be sort of like the helper of  
9 a currently trained PSM facilitator, which in this case  
10 was Larry Howard, so that was the PHA where I became  
11 certified.

12 Q. John Bo Accord, what was his role?

13 A. He's maintenance. He's the E&I technician.

14 Q. Where does he work out of or did he in 2012?

15 A. Say that again, please.

16 Q. Where did he work out of in 2012? What site?

17 A. Burnside.

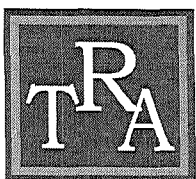
18 Q. He was not the maintenance manager, though; that  
19 was still Gene at that time?

20 A. That's correct.

21 Q. So what was John Bo Accord?

22 A. He's an E&I technician, electrical and  
23 instrumentation technician.

24 Q. Ok. And what is Gary Simpson's role on this team  
25 in 2012?



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1 A. He's the MIQA lead.

2 Q. When in 2012 was that performed, that PHA?

3 A. Well, a PHA of that size takes many months, so  
4 that PHA was worked on throughout the entire year, but  
5 it's completed in December.

6 Q. What do you mean by SO3 cyclical? What was the  
7 point of that -- well, what was the subject of the PHA?

8 A. The subject of the PHA was a hazard assessment of  
9 the sulfur trioxide process. The term "cyclical" comes  
10 from the fact that it is a requirement of OSHA to have  
11 those cyclical process hazard analyses or assessments  
12 every five years.

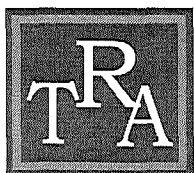
13 And, again, it was quantitative and a qualitative  
14 assessment of the hazards associated with the process  
15 and the layers of protection that we have to protect us  
16 from that and an analysis of the risk from the hazards  
17 of the process, plus the layers of protection that we  
18 have against the hazard and decide as a team whether or  
19 not we can tolerate that risk. If not, we make  
20 recommendations to mitigate the risks.

21 Q. And does this PHA -- I guess I think you  
22 mentioned it ended up being a formal document?

23 A. Yes.

24 Q. So is that a document you would have at Burnside?

25 A. Yes.



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1 Q. Did that document address the process which  
2 involves operation of the HIP, the CIP, the convertor or  
3 the superheater?

4 A. No.

5 Q. Which part of the process did that PHA address?

6 A. That PHA addressed the boundaries of the sulfur  
7 trioxide unit, which is those -- the equipment you just  
8 mentioned is outside of those boundaries.

9 Q. So is it on the spent side of the plant?

10 A. No. Contact side.

11 Q. So explain to me, I guess, when you say a hazard  
12 assessment of sulfur trioxide process, what process was  
13 analyzed?

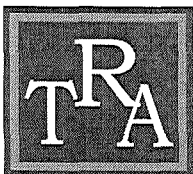
14 A. The process that produces liquid sulfur trioxide.

15 Q. And what is that process? What equipment is  
16 involved in it? What part of the plant, that sort of  
17 thing?

18 A. It consists of a reboiler, a small distillation  
19 tower I would call it, and a condenser and, of course,  
20 storage tanks.

21 Q. Nothing in that process feeds to or receives from  
22 the HIP, the CIP, the converter and the superheater?

23 A. The gas comes from the ductwork, so the SO<sub>3</sub> is  
24 drawn out of that, and then, you know, we purify that  
25 pure SO<sub>3</sub>. But per the boundaries of the PHA, that



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1 equipment is outside of those boundaries. One of the  
2 first steps of conducting the PHA is to set the  
3 boundaries, but they are connected -- you're right -- in  
4 a roundabout way.

5 Q. So what's connected?

6 A. It connects to the oleum tower, the SO3 process  
7 does, and, of course, the oleum tower is connected to  
8 the converter.

9 Q. Had that PHA been done five years previously?

10 A. Yes.

11 Q. Did the one done five years before, did you have  
12 a chance to see that?

13 A. Chance to what?

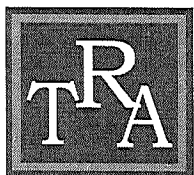
14 Q. Did you have a chance to see the one that was  
15 done five years before?

16 A. Oh, absolutely. It's part of the PHA team to  
17 review the following PHA to make sure the  
18 recommendations were complete, so, of course, we did  
19 that.

20 Q. And were the boundaries the same for the one you  
21 did in 2012 as the one in 2007?

22 A. The boundaries were set in 1999. They are the  
23 same since then.

24 Q. Did the boundaries of the oxygen skid PHA include  
25 the HIP, the CIP, the convertor or the superheater?



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1 A. No.

2 Q. What about boundaries of the spent furnace PHA?

3 A. No.

4 Q. The boundaries for acid plant cyclical PHA --

5 A. Yes.

6 Q. -- that would include the HIP, the CIP, the  
7 converter --

8 A. Yes.

9 Q. -- the superheater --

10 A. Yes.

11 Q. -- and all of their ductwork and plenums?

12 A. Yes.

13 Q. When did you start working on the acid plant  
14 cyclical PHA?

15 A. I don't know. It was somewhere in the second  
16 quarter of this year, if I recall correctly.

17 Q. Who is on that team?

18 A. Myself, Percy Bell, Wade Miller, Gary Simpson,  
19 Vandell Sturgeon. And that's -- I believe that's it.  
20 Oh, and Ronnie Burns.

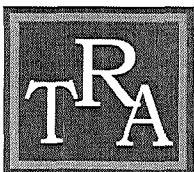
21 Q. And are you the initiator lead on that report?

22 A. I'm the facilitator, PHA facilitator.

23 Q. All right. And what is Wade Miller's role?

24 A. He's an E&I technician.

25 Q. What does E&I mean?



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1 A. Electrical and instrumentation technician.

2 Q. What about Gary Simpson; what's his role?

3 A. He's the MIQA leader.

4 Q. And Vandell Sturgeon?

5 A. He is a reliability engineer.

6 Q. And Ronnie Burns?

7 A. He is our high voltage expert.

8 Q. So there's nobody from management or maintenance;  
9 right?

10 A. Yes. Wade Miller is an electrical and  
11 instrumentation technician. He is from maintenance.

12 Q. But for this PHA, is he there for the electrical  
13 and instrumentation or is he there as a maintenance  
14 representative?

15 A. He's there to represent maintenance, and his role  
16 is electrical and instrumentation technician.

17 Q. Okay. So I guess there's no one from management,  
18 then, on this team?

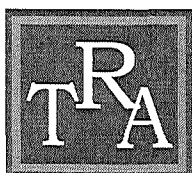
19 A. Not on that team, no.

20 Q. With the due date December 18th, I guess you  
21 ought to be pretty close to finishing with that PHA?

22 A. Yes, ma'am. We have one quick meeting and that's  
23 it.

24 Q. You have one meeting left?

25 A. We have one more meeting left to go. It should



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1 be a few hours and we'll be done.

2 Q. So there's a draft report already prepared?

3 A. No.

4 Q. What documents exist right now with regard to  
5 that PHA?

6 A. Only the work that's been completed thus far.

7 Q. Where are those documents? Is it one document or  
8 lots of documents?

9 A. Oh, it's many, many documents. We have to  
10 compile them all in one report at the end of the day.

11 Q. You have to do what? I'm sorry.

12 A. You have to compile them all in one report. It's  
13 hundreds of pages.

14 Q. So it's sort of like sections of the PHA?

15 A. That's correct.

16 Q. And so at the end, they will be pulled together  
17 into a report?

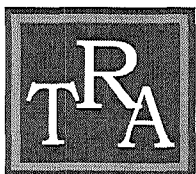
18 A. That's right.

19 Q. What are the different sections that you have  
20 now?

21 A. Field tour, process technology review, hazard  
22 analysis, SIS review, and that's all I can think of at  
23 the top of my head.

24 Q. So there are four separate documents?

25 A. There are more than that. I just -- I'm not



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1 really prepared. PHA is made of many sections.

2 Q. Where are these kept at DuPont? Are they on the  
3 computer system or hardcopy or both?

4 A. Probably -- well, both.

5 Q. Do you have a copy of these in your office?

6 A. No.

7 Q. Where would they be in hardcopy?

8 A. In a file room.

9 Q. The hazard analysis that is being assessed here  
10 is to humans, like it's a human assessment of -- it's  
11 OSHA. I'm assuming it's safety to humans. Is that --

12 A. Well, it's safety to humans. It's safety to the  
13 environment. It's, you know, cost to the business.  
14 It's a risk assessment of everything.

15 Q. So it speaks to environmental issues, too?

16 A. Yes.

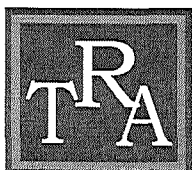
17 MS. BARNEY:

18 Lori, I don't think we have those  
19 documents, so I guess -- I'd love to see if we could  
20 maybe get them to e-mail them to us for his deposition  
21 or something. I don't know if that's possible, but he  
22 just seems so intimately involved with it.

23 THE WITNESS:

24 There's no relevance.

25 MS. WATERS:



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1 It's like hundreds of pages of --

2 THE WITNESS:

3 Yes.

4 MS. WATERS:

5 I don't know if that's possible.

6 MS. BARNEY:

7 Maybe what we could do is if you guys  
8 could produce it and we can just leave it open if we  
9 need to resume his deposition and I'll reserve my rights  
10 and you reserve yours. I know Monique's not in town.

11 MS. WATERS:

12 Okay.

13 MS. BARNEY:

14 You may want to talk with her.

15 But I don't think we're going to be  
16 seven hours today, anyway, so maybe if we could just  
17 leave it -- we'll leave that open.

18 MS. WATERS:

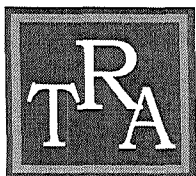
19 Leave some time open for that if we need  
20 it.

21 MS. BARNEY:

22 If necessary.

23 MS. WATERS:

24 Okay. All right. She may want a formal  
25 request for it because I don't think we -- I don't think



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1 I received a request for the PHA.

2 MS. BARNEY:

3 No. I mean, we wouldn't have known that  
4 it existed, so it's just a subject matter.

5 MS. WATERS:

6 Got you.

7 We'll agree to at least, you know, leave  
8 some time for that if we need it.

9 MS. BARNEY:

10 Okay.

11 (A recess was taken.)

12 BY MS. BARNEY:

13 Q. I guess the last PHA for the acid plant would  
14 have been in 2008; is that right?

15 A. That's right.

16 Q. Do you remember when in 2008?

17 A. I don't --

18 Q. December or --

19 A. I don't know.

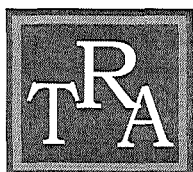
20 Q. And so in doing this PHA, you would have looked  
21 back at the other one; is that right?

22 A. Yes.

23 Q. Do you know who was on the team for the 2008 one?

24 A. I don't recall.

25 Q. Do you know if Percy was on it?



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1 A. I don't remember.

2 Q. You just don't remember the list of people?

3 A. No.

4 Q. Were the hoses, black plastic hoses and metal  
5 sheet boxes that are being used right now to try to suck  
6 up leaks in the process plant, were they referred to in  
7 the 2008 PHA? Did that exist back then as far as you  
8 know?

9 A. I don't know, really.

10 Q. Are they referred to in the current PHA?

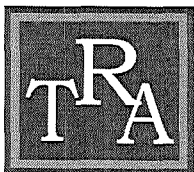
11 A. I don't -- no. No, they're not.

12 Q. Okay. Do you know why not?

13 A. No.

14 Q. Who made the decision not to include the hoses  
15 and the metal boxes that are being used to try to suck  
16 up the leaks from the HIP, the CIP, the converter or the  
17 superheater? Who made the decision not to include those  
18 in the PHA?

19 A. That's just not something -- that's just not how  
20 the PHA works. I don't know how much experience you  
21 have, you know, in process hazard assessments. It's  
22 just not something -- the decision was made by the  
23 entire PHA team. All decisions by the PHA is made by a  
24 consensus by the team, but it's just not -- it's not  
25 something that you would typically add.



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1 Q. And why is that?

2 A. Well, let's say you have a leak -- well, the  
3 assessment stops there, right. Of course, you have  
4 means to mitigate it with the vacuum system, but  
5 normally, the PHA will go through, you know, what could  
6 cause a leak, what we had to prevent the leak. But once  
7 the leak occurs, that's typically where the PHA stops at  
8 that point and then the risk is assessed.

9 Q. So the assessment stops when the gas leaves the  
10 vessel it's supposed to be in?

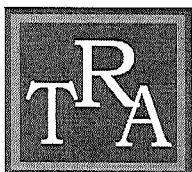
11 A. From a qualitative/quantitative standpoint, yes.

12 Q. And from any standpoint that the PHA is trying to  
13 speak to; right?

14 A. I don't know.

15 Q. Well, whatever assessments are being done in the  
16 PHA, those assessments are stopping at that point where  
17 the gas would leave the vessel; is that right?

18 A. Yeah, that's pretty much right, yes. And then  
19 once -- and then let's say you're doing a what if  
20 analysis on, say, a tank, and let's say the tank  
21 contains oleum, which is fuming sulfuric acid. You're  
22 going to go through what's the risk of lost containment  
23 from that vessel, what would happen. If it did happen,  
24 what are the layers of protection that we had to prevent  
25 it from happening.



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1           Then once you assess that risk, then the PHA team  
2 will say, as a team, is this acceptable risk levels; can  
3 we tolerate this. If not, let's issue a formal  
4 recommendation. But typically, the PHA will stop at  
5 once the leak occurs and then the qualitative and  
6 quantitative analysis is done to assess the risks  
7 involved in that.

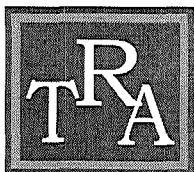
8           Q. Okay.

9           A. So that's the reasoning why you wouldn't talk  
10 about let's what if this black hose; let's what if the  
11 leak containment system. You don't really do that  
12 because that's not, you know, really part of the  
13 process. You're trying to keep it within the duct.  
14 You're trying to keep it within the heat exchanger.  
15 You're not going to focus on some mitigation if you're  
16 going to make recommendations to stop that from  
17 happening. That's the reasoning why you wouldn't find  
18 that in a typical PHA, if that makes sense.

19          Q. Okay. So the PHA is designed to just assess  
20 risks?

21          A. Absolutely. It's a Process Hazard Analysis.  
22 It's one of the primary tools, and there are some other  
23 reasonings, too, but that's primarily the objective.

24          Q. So is the PHA for an acid plant looking at just  
25 what ifs, things that haven't happened yet, but might



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1 happen?

2 A. That is a large portion of it, yes.

3 Q. So they don't look at things that are already  
4 happening?

5 A. Yes, they do. One of the primary objectives is  
6 to review all of the incidents that have happened in the  
7 last five years. So you look at what happened in the  
8 last five years before you even begin the what if  
9 assessment and that helps you with the qualitative  
10 aspect of it in trying to obtain how often it may  
11 happen, if it may happen.

12 Q. How many instances did you include in the current  
13 PHA?

14 A. I don't know. It's in the order and magnitude of  
15 hundreds.

16 Q. What types of incidents are included in those  
17 hundred?

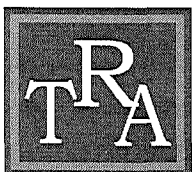
18 A. And when you say incidents, do you mean incidents  
19 that were reviewed or incidents that we are projecting?

20 Q. You can start with the reviewed.

21 A. I don't know the exact number. Projected,  
22 hundreds.

23 Q. What types of incidents fell within the incident  
24 you reviewed?

25 A. Incidents range from an employee forgetting to



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1 wear PPE all the way to safety incidents or a loss of  
2 containment or a leak.

3 Q. Do you know how many leaks were reviewed?

4 A. I don't know the exact number.

5 Q. About?

6 A. I don't know.

7 Q. Two dozen, 100?

8 A. Not in the order and magnitude of two dozen, but  
9 the exact number, I don't know. It's, of course, over a  
10 five-year period, but I don't know the exact number.

11 Q. Do you only look at leaks that were put into a  
12 report?

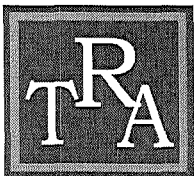
13 A. We only look at documented incidents.

14 Q. And what is that -- is that a yes, that you only  
15 look at leaks that were put into a report or would you  
16 look at things like a logbook or any kind of  
17 documentation?

18 A. We just focus on the documented incidents that  
19 are in the corporate tracking system.

20 Q. Okay. Now, to get into the corporate tracking  
21 system, the leak would have to make its way into an  
22 incident report and then would have to become the  
23 subject of an investigational report; is that right?

24 A. How it works at Burnside is we have what we refer  
25 to as -- you know, it's semantics. It's referred to as



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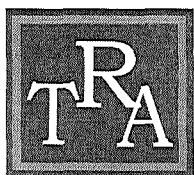
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1 first reports, which are essentially initial  
2 investigation reports that are made from anyone from,  
3 you know, a maintenance person to an operator all of the  
4 way up to management. That initial first report is  
5 distributed to everyone on the site via e-mail. At that  
6 point, it's management's discretion of whether or not to  
7 push that for an official investigation.

8 Q. Okay. And so I think my question was, in order  
9 for the leak to make it into a corporate report -- maybe  
10 I didn't ask you this, but I'll ask you now -- the leak  
11 would have to be part of an initial incident report, and  
12 then it would have to be the subject of an  
13 investigational report that got posted on the  
14 corporate -- or issued, as they say, on the corporate  
15 network; right?

16 A. I think that's -- that's the typical path.  
17 Management could always issue a formal investigation,  
18 though, without an initial, but what you described is  
19 typical.

20 Q. Okay. So I guess what I'm trying to understand  
21 is the leaks, if any, that you looked at in preparing  
22 the PHA, whether those would have been the leaks that  
23 were the subject of an incident report and then an  
24 investigation report and were actually posted on the  
25 corporate network.



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1 A. That's correct. Those are the ones that we  
2 looked at.

3 Q. That's the only ones you looked at; right?

4 A. That's correct.

5 Q. So the objective of reviewing all incidents in  
6 the last five years, the way that you are meeting that  
7 is as you just described; right?

8 A. That's right. We review all incidents that  
9 occurred over the last five years that were in -- that  
10 were official incidents or reported incidents.

11 Q. In the corporate network?

12 A. In the -- yes.

13 Q. Where did you get the investigational reports to  
14 review for the PHA?

15 A. On the database that contains them.

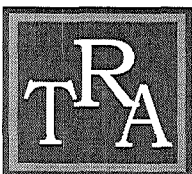
16 Q. On the corporate-wide network?

17 A. It's a database called MITC. I don't know if  
18 corporate database network is the right terminology for  
19 it, but that's where all of that stuff goes.

20 Q. When you look at an investigation report, how can  
21 you tell when it got submitted to the corporate-wide  
22 network, or do you know?

23 A. There is a spreadsheet that is managed that  
24 tracks that.

25 Q. Where is that spreadsheet kept?



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1 A. I do not know.

2 Q. But you can see it on your computer or somebody  
3 can see it?

4 A. I have never looked for it.

5 Q. How do you know there's a spreadsheet?

6 A. I've seen it.

7 Q. So you've seen it printed out at Burnside or  
8 what?

9 A. I've seen it projected onto a screen.

10 Q. Onto a computer screen?

11 A. Projection, like a projector -- well, that's, of  
12 course, attached to a computer, but...

13 Q. And was this like at a meeting or something?

14 A. Yes.

15 Q. How long ago?

16 A. I don't know.

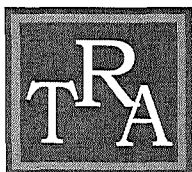
17 Q. How did you -- well, why was the spreadsheet up  
18 on the screen; do you know?

19 A. We review all incidents, all of the management  
20 staff does, on a -- normally, a weekly basis and we will  
21 review it and then -- that's just something that we do.

22 Q. So these are the investigational reports that  
23 have made it to the corporate-wide network?

24 A. No. These are all investigation reports.

25 Q. Okay. So now you're talking about a spreadsheet



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1 that reflects all incidents, not just those that are on  
2 the corporate-wide network?

3 A. Correct.

4 MS. BARNEY:

5 Lori, I guess we would ask to get a copy  
6 of the spreadsheet because I don't think we have that,  
7 either.

8 MS. WATERS:

9 No, you don't.

10 BY MS. BARNEY:

11 Q. Does each spreadsheet have a new date on it or is  
12 it sort of a living document that changes or how does  
13 that work?

14 A. It's updated as the reports are made, as far as I  
15 know.

16 Q. Who keeps this spreadsheet?

17 A. I don't know.

18 Q. Is it circulated by e-mail or something?

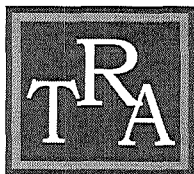
19 A. No.

20 Q. Okay. So how do you see it? Just at a meeting  
21 you get together once a week and look at it on a  
22 computer screen?

23 A. Yes.

24 Q. Does Latasha Geeson keep it?

25 A. I don't know.



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1 Q. Who points the projector to make the spreadsheet  
2 show up at each meeting?

3 A. Normally, Tom Miller.

4 Q. When he shows you that at the meeting, it's  
5 obvious that he has seen it before he's putting it up?

6 A. Yes.

7 Q. So to the extent during that week there have been  
8 any initial incident reports filled out about leaks,  
9 then they would show up on this spreadsheet?

10 A. Yes.

11 Q. What is the purpose of looking at the spreadsheet  
12 at these weekly meetings?

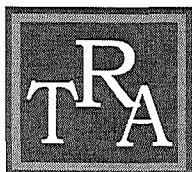
13 A. To try to determine if there are trends to the  
14 incidents and to see if there's any recommendations that  
15 could be made to prevent those trends, if there is  
16 indeed a trend.

17 Q. Okay. So they're not just the gas leaks from the  
18 HIP, the CIP, the converter and the superheater that are  
19 on this spreadsheet; there are other things?

20 A. All initial incidents.

21 Q. And I believe Tom Miller testified that if there  
22 was an ongoing leak from the same -- you know, the same  
23 leak, that he wouldn't expect a new initial report on  
24 that leak ever; is that your understanding or what?

25 A. I don't know. Initial, there may be an initial.



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1 I doubt it, though. Like if we know something's  
2 leaking, let's say, that's leaking today and it's  
3 leaking again tomorrow, there probably wouldn't be  
4 another initial one; right.

5 Q. Okay. So if it was leaking yesterday and it's  
6 still leaking today, it wouldn't be on the spreadsheet  
7 because the spreadsheet is only going to capture the  
8 initial reports?

9 A. The spreadsheet would only have information on  
10 the initial incident report.

11 Q. Okay. Have you ever been involved in an  
12 investigational report?

13 A. I have provided calculations for investigational  
14 reports. That's normally the extent of where I'm  
15 involved.

16 Q. Okay. What kind of calculations have you  
17 provided?

18 A. Normally, gas leak calculations, liquid leak  
19 calculations. That's pretty much it.

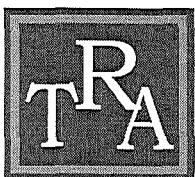
20 Q. How many times would you say you've provided a  
21 gas leak calculation?

22 A. A couple of times.

23 Q. Two or three?

24 A. I think that's probably about right.

25 Q. When was the first one you ever did?



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1       A. I don't know. It was shortly after -- it was  
2 definitely after Kerry Long left, whenever that was.

3       Q. And when was the last one?

4       A. I don't know exact dates.

5       Q. I'm not looking for exact dates. Just some sort  
6 of benchmark, like six months ago, a year ago.

7       A. Maybe six months ago.

8               MS. WATERS:

9               Don't guess.

10              THE WITNESS:

11              Oh, I don't know.

12 BY MS. BARNEY:

13       Q. Can you think about what the weather was like or  
14 anything that might help you figure out when the last  
15 one was?

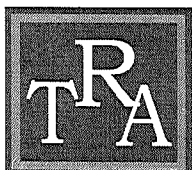
16       A. No.

17       Q. Who did you provide your gas leak calculations  
18 to?

19       A. Tom Miller.

20       Q. How did you make the calculations?

21       A. It was -- there was a spreadsheet provided by Tom  
22 Mullar, who is the ATC technical guardian. He provided  
23 a spreadsheet to all of the plants that provides the  
24 equations and the directions necessary to calculate a  
25 gas leak from similar pieces of equipment.



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1 Q. Did he give you instructions on using that  
2 spreadsheet?

3 A. Yes.

4 Q. What did he tell you to do, basically?

5 A. He actually gave a class, formal class, to all of  
6 the ATOs in the circuit, and it was just a class on how  
7 to -- when to use them, when not to use it, what are the  
8 assumptions involved in the calculations.

9 Q. Was he basically showing you how to put data into  
10 like an Excel spreadsheet that's already programmed to  
11 generate -- to do the formula?

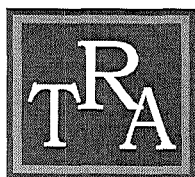
12 A. Yes. Yes. The formula was preloaded and the  
13 instructions were written relatively straightforward.

14 Q. Okay. Were there instructions separate from the  
15 Excel spreadsheet itself or was -- when you say  
16 instructions, do you mean the little words actually in  
17 the spreadsheet?

18 A. Well, in addition to the formal training, the  
19 spreadsheet also has a one-page or workbook and  
20 spreadsheet that goes over the equations and provides  
21 instructions.

22 Q. Do you have that in hard copy at Burnside or is  
23 it only on the computer?

24 A. The spreadsheet's on computer. I suppose one  
25 could print it out.



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1 Q. What about the workbook?

2 A. You can -- well, yeah, you could print it out.

3 Q. Or you could download it to a disk or whatever?

4 A. Oh, you can download it to a disk.

5 MS. BARNEY:

6 I guess, Lori, I would add that to the  
7 list because I don't think we have the workbook that  
8 goes with the spreadsheet.

9 MS. WATERS:

10 Okay.

11 BY MS. BARNEY:

12 Q. When he was teaching you how to use it and when  
13 not to use it, what did he teach you, Mr. Miller?

14 A. You have to understand the assumptions behind it.  
15 There are assumptions behind it such as ideal gas. It  
16 has to be at very extremely high pressures or very low  
17 temperatures, then the equation is essentially not  
18 applicable. That's one example.

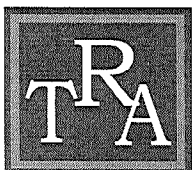
19 Q. Okay. What else did he tell you about when to  
20 use or when not to use it?

21 A. That's all I can recall.

22 Q. Is the assumptions behind it?

23 A. I don't understand the question.

24 Q. You said that he told you when to use it, when  
25 not to use it, then you went over assumptions that there



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1 are. So I guess my question is, it sounded like he told  
2 you when to -- what kind of incident would prompt you to  
3 run calculations.

4 MS. WATERS:

5 Asked and answered.

6 MS. BARNEY:

7 You can go ahead.

8 THE WITNESS:

9 What's that?

10 BY MS. BARNEY:

11 Q. What type of incident would prompt you to run a  
12 calculation?

13 MS. WATERS:

14 Same objection.

15 THE WITNESS:

16 I don't understand.

17 BY MS. BARNEY:

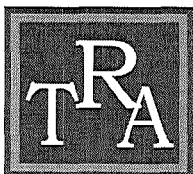
18 Q. He gave you the spreadsheet in a workbook; right?

19 A. Right.

20 Q. What did he tell you about when to go grab this  
21 spreadsheet? When are you supposed to pick it up and  
22 use it?

23 A. When there is calculations that need to be  
24 performed concerning leaks.

25 Q. Okay. And who decides that, the plant manager or



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1 you or somebody else?

2 A. Normally, the plant manager will decide based on  
3 the incident whether or not he wants a quantified amount  
4 of the leak, then at that point, he will ask me to  
5 perform the calculations.

6 Q. And after Kerry Long left, you're that person who  
7 the plant manager would direct to perform a calculation?

8 A. Yes.

9 Q. And every time that the plant manager has decided  
10 that a calculation shall be performed -- well, strike  
11 that.

12 Every time the plant manager asked you to run a  
13 calculation like that, you did it; right?

14 A. Yes.

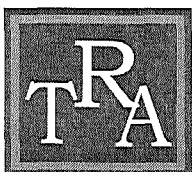
15 Q. When you did these calculations, what information  
16 did you enter? Did you have the size of the hole when  
17 you did these calculations?

18 A. Yes. That is a requirement of the calculation.  
19 The size of the hole, I would obtain that from people  
20 who have actually seen it.

21 Q. So you would actually talk to the people who saw  
22 the hole?

23 A. Correct.

24 Q. And who do you recall speaking with in connection  
25 with the two or three calculations that you did for the



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1 size of the hole?

2 MS. WATERS:

3 Could you be specific as to each one?

4 MS. BARNEY:

5 Yes. He said there's only two or three.

6 THE WITNESS:

7 I can only recall one who I specifically  
8 asked and that's Gene Clemons. I can only recall one,  
9 but it was him.

10 BY MS. BARNEY:

11 Q. Okay. So only on one of those calculations do  
12 you recall actually talking to a person about the size  
13 of the hole?

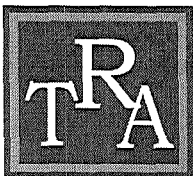
14 A. There's only one that I recalled a specific  
15 person that I talked to concerning the size of the hole.

16 Q. Okay. So on the other calculations, what was the  
17 basis for plugging in the area of the hole that you used  
18 on the spreadsheet?

19 A. Visual observations of people who saw the hole  
20 firsthand.

21 Q. Visual observation of -- I think you might -- I'm  
22 going to say what you said, but it might not be what you  
23 meant.

24 Visual observations of the people who saw the  
25 hole?



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1 A. Personal accounts of those who saw the hole.

2 Q. Okay. So they were giving you their personal  
3 account of the size of the hole?

4 A. Yes.

5 Q. Okay. So you never at any point went and  
6 verified the size of the hole that you used in the two  
7 or three calculations you did?

8 A. No.

9 Q. All right. So one of them you got from Gene  
10 Clemons?

11 A. Definitely one.

12 Q. So on the other one or two, do you remember the  
13 person that recounted the size of the hole?

14 A. I do not.

15 Q. Do you remember the size of the hole that was  
16 conveyed to you by Gene Clemons?

17 A. No.

18 Q. What do you do after you run a spreadsheet of  
19 calculations? What do you do with the spreadsheet?

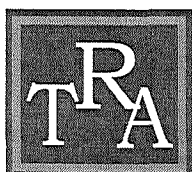
20 A. I send the spreadsheet to Tom Miller.

21 Q. By e-mail?

22 A. Yes.

23 Q. So it would still be in your sent box, or do you  
24 know?

25 A. Maybe. I don't know.



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1 MS. BARNEY:

2 I guess we'll put those on the list  
3 because I don't think we have any e-mails with  
4 spreadsheets attached.

5 MS. WATERS:

6 Okay.

7 BY MS. BARNEY:

8 Q. And does anybody else receive a copy of that  
9 e-mail?

10 A. No.

11 Q. When you use that spreadsheet to do the  
12 calculation and you plug in the area of the hole, do you  
13 also plug in the pressure that the vessels were under at  
14 the time?

15 A. Yes.

16 Q. Where do you get that information?

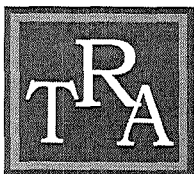
17 A. That is available on the DCS.

18 MS. BARNEY:

19 And, Lori, just for the record, I've  
20 asked Monique on the record of another deposition to  
21 produce the DCS information for the relevant time  
22 period, and so I'll just state that on the record that  
23 we've already made that request.

24 MS. WATERS:

25 Okay.



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1 BY MS. BARNEY:

2 Q. And so from the DCS, would you also get the  
3 temperature to plug it in?

4 A. Yes.

5 Q. And then that spreadsheet generates the quantity  
6 of gas, all gasses being released per second; is that  
7 right?

8 A. Yes.

9 Q. And then it also tells you the total quantity --  
10 based on this calculation, the total quantity of SO3 gas  
11 and SO2 gas that is calculated to have been released  
12 based on the data plugged into the spreadsheet; right?

13 A. Yes.

14 Q. Do you recall the amount of SO3 gas that was  
15 calculated to have been released in the two to three  
16 calculations that you performed?

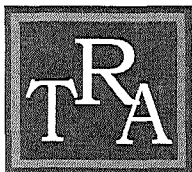
17 A. No.

18 Q. Do you keep a copy of the spreadsheets that you  
19 ran calculations -- let me back up.

20 Do you keep a copy of the spreadsheets that  
21 reflect the calculations you've done on those two or  
22 three times?

23 A. No.

24 Q. So this is something you create on the computer  
25 using sort of a templet of an Excel spreadsheet, or you



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1 just pull up a blank one and put in the numbers?

2 A. That's correct. I have sort of, like you said, a  
3 template. You put in pertinent information, make sure  
4 that, you know, the assumptions are correct for that  
5 scenario, put in the numbers and pretty much done.  
6 Relatively simple.

7 Q. So you run the calculation on the computer and  
8 you have to save it; right, so that it will be a  
9 separate document to e-mail to Tom Miller?

10 A. That's correct.

11 Q. Once it's saved on the system, you go back and  
12 delete it?

13 A. That's typically what I do for all attachments to  
14 e-mails. If I don't want them in my system, I'll just  
15 throw it on my desktop and then I just -- over time just  
16 clean the desktop off.

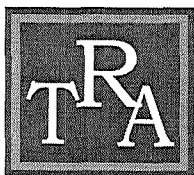
17 Q. How did you come to use that practice of deleting  
18 things that you've attached to e-mails?

19 A. Better organization, and it is in my opinion.

20 Q. Do you recall getting a sort of -- I'm not sure  
21 if it went by e-mail or memo or what -- about saving  
22 documents that were relevant to this lawsuit at any  
23 point?

24 A. Yes.

25 Q. Did that go out fall of 2012 or so?



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1 A. I don't know the exact dates.

2 Q. Do you know about when you received it?

3 A. I do not.

4 Q. After receiving that, did you still delete the  
5 spreadsheets that you created and e-mailed to  
6 Mr. Miller --

7 A. Yes.

8 Q. -- if you did any after that point?

9 A. Mostly likely, yes. I find it better from an  
10 organizational standpoint because I still have the file  
11 in my sent folder. So if I want to bring it up, all I  
12 have to do is do a search in output and there it is.

13 Q. So you could go find and produce for us -- which  
14 I think Ms. Waters is going to help us, but, anyway, in  
15 terms of it being an attachment to an e-mail, you think  
16 it's still there on the computer?

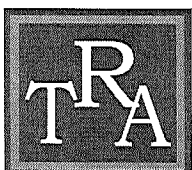
17 A. I don't know, but I can check.

18 Q. But in terms of the copy that got saved to your  
19 computer as a document, you don't -- you would have  
20 deleted that?

21 A. Likely, yes.

22 Q. When you did these two or three calculations, was  
23 the gas leak at issue in those calculations already at  
24 the investigational report stage?

25 A. I don't know. Normally, I'm told to do it and --



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1 but I do it. I don't know at what stage it would be at  
2 when someone is asked to do that.

3 Q. Has T.J. Ozbun ever asked you to run any of those  
4 calculations?

5 A. Not for gas leaks, no.

6 Q. What has he asked you to run those calculations  
7 for?

8 A. I think I did one calculation at the request of  
9 T.J. for a liquid acid leak.

10 Q. Do you recall about what quantity of SO3 the  
11 calculations that you ran in an e-mail to Mr. Miller had  
12 in them?

13 A. No.

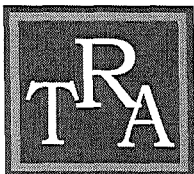
14 Q. Did you include that information in the PHA that  
15 y'all are working on?

16 A. Lead calculations are not pertinent to a PHA, so  
17 no.

18 Q. Only if they made it into an investigational  
19 report that got put into the corporate network?

20 A. That is true. If it didn't end up on the  
21 corporate report, then it would end up in the PHA as  
22 just saying that the team viewed it, but that would be  
23 the extent of it.

24 Q. And you don't know whether after you sent the  
25 calculations to the person who is preparing the



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1     investigational report, whether they used the actual  
2     numbers that you gave them or not; right?

3         A. No. I don't typically go further than that.

4         Q. Have you ever prepared -- well, wait, I'm sorry.  
5     You have not run a calculation in the last two or three  
6     months on a gas leak; is that right?

7         A. Yes.

8         Q. You have?

9         A. No. I'm sorry. I have not.

10        Q. It was a yes or no question.

11            Okay. And so that means you haven't been asked  
12     by Tom Miller to run a calculation in the last two or  
13     three months; right?

14        A. Not on gas leaks, no.

15        Q. Has Tom Miller asked you to do a calculation on  
16     anything in the last two or three months?

17        A. Yes.

18        Q. What did he ask you to do?

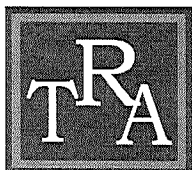
19        A. One that I can recall is an acid cooler leak.

20        Q. And that's in a different part of the plant, not  
21     the HIP, the CIP, the converter area?

22        A. A very different process, yes.

23        Q. Okay. Have you ever written an initial incident  
24     report?

25        A. Yes.



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1 Q. Have you ever written one for a gas leak?

2 A. No.

3 Q. Have you ever instructed someone else to write  
4 one for a gas leak?

5 A. No.

6 Q. Have you ever written about a gas leak in the  
7 operator's logbook in the control room?

8 A. No.

9 Q. Other than running the calculations on the  
10 spreadsheet as asked by Mr. Miller, have you ever  
11 created any written document that has to do with gas  
12 leaks?

13 A. No.

14 MS. WATERS:

15 Beside the calculations?

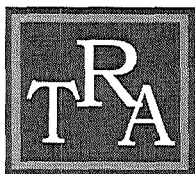
16 MS. BARNEY:

17 Right.

18 BY MS. BARNEY:

19 Q. If the calculation that you ran on a gas leak --  
20 well, let me strike that.

21 As part of the calculation process, did you make  
22 a decision as to whether or not to call outside  
23 authorities about the gas leak, or did you just prepare  
24 the sheet and send it on to somebody else to make that  
25 determination?



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1       A. I just prepare the sheet and send it off. I do  
2 know what the reportable quantities are and, of course,  
3 if I saw that any of those had exceeded it, I would  
4 have, you know, let Tom know.

5       Q. So Tom doesn't know --

6       A. Oh, he knows. He knows as well, and I would have  
7 reiterated that fact. And if there's any point where we  
8 feel that we may come close to the reportable limit, we  
9 do make courtesy calls to the regulatory agencies that  
10 need to be called.

11      Q. When have you ever done that?

12      A. For the same cooler leak incident. Preliminary  
13 calculations told us that it was coming close to  
14 reportable quantity, so we made the calls to the Coast  
15 Guard, LADQ, State Police, and that's from the very  
16 onset of the incident.

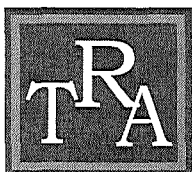
17      Q. Where was this incident?

18      A. In an acid cooler.

19      Q. At Burnside?

20      A. Uh-huh. But then after subsequent calculations,  
21 we were able to show that we did not once we took the  
22 equipment apart and got a better look at it, but we did  
23 make those what we refer to as courtesy calls.

24      Q. But you never made any kind of courtesy calls  
25 about the gas leaks from the HIP, the CIP, the converter



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1 and the superheater; right?

2 A. None that I'm aware of.

3 Q. And when you talk about reportable quantities,  
4 those are quantities that DuPont has trained you about?

5 A. Correct.

6 Q. You haven't gone and read the TSCA statute, for  
7 example?

8 A. For gas leaks?

9 Q. For anything.

10 A. TSCA -- gas leaks aren't applicable to TSCA.  
11 That's a different regulation. Gas leaks, those  
12 reportable quantities are determined by the EPA.

13 Q. Okay. I guess I'll move to strike that as  
14 nonresponsive, but I'll ask you some questions that will  
15 lead up to that.

16 You have never gone and reviewed the TSCA  
17 statute; right? That was the question.

18 A. I get training annually on TSCA.

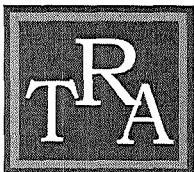
19 Q. On the modules that DuPont puts out?

20 A. That's correct.

21 Q. Have you ever gone and read the TSCA statute?

22 A. No.

23 Q. I believe we went over training you received.  
24 Other than the TSCA module in the general training on  
25 environmental modules that DuPont has, is there other



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1 environmental training that you've ever had?

2 A. None that I can think of.

3 Q. Okay. What makes you think that TSCA doesn't  
4 apply to gas leaks?

5 A. In my understanding of it.

6 Q. Where did you get that understanding?

7 A. I don't know.

8 Q. Okay. When you're preparing this PHA that y'all  
9 are working on, is there any reference to TSCA in that  
10 PHA?

11 A. No.

12 Q. Is there any reference to OSHA PELs in that  
13 assessment?

14 A. I don't know. I don't know.

15 Q. Do you know what the PEL for SO2 is under OSHA?

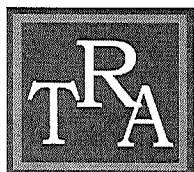
16 A. No.

17 Q. Do you know what the PEL for SO3 is under OSHA,  
18 if there is one?

19 A. No.

20 Q. So the risk assessment doesn't take it into  
21 account PELs; is that right?

22 A. I don't know. It could be semantics. PHAs are  
23 referred to as the levels of toxic gases and referred to  
24 as ERPGs. I don't know if that is related to PELs or  
25 not.



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1 Q. What's the acronym again?

2 A. ERPG.

3 Q. ERPGs?

4 A. (Witness nodding head.)

5 Q. You don't know what that stands for?

6 A. It is the emergency release -- essentially  
7 it's -- I can't -- the exact terminology of the acronym  
8 I can't recall off the top of my head, but it's  
9 essentially concentrations of toxic substances where you  
10 want to initiate the emergency response plan. And I  
11 don't know if those are the same as the OSHA PEL or not,  
12 so I really don't know.

13 Q. And that's a concentration you said?

14 A. Yes.

15 Q. And this is the PHA that we don't have right now  
16 or the sections of it, but do you know what the ERPGs  
17 are for SO3?

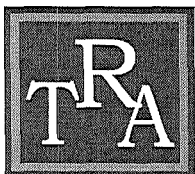
18 A. No.

19 Q. Is that going to be reflected in the PHA?

20 A. I don't know. It's most likely going to be  
21 sulfuric acid instead of SO3 would be my guess.

22 Q. A second ago I think you said that the PHA wasn't  
23 relevant to what we're talking about here today. Can  
24 you tell me what you mean by that?

25 A. I mean, the PHA doesn't reference individual



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1 releases or events that's a quantitative risk assessment  
2 of everything, not these isolated events which are  
3 alleged to be higher than the -- you know, than the  
4 reportable quantities. It's not very specific is what I  
5 meant by that. It's very general. There's not going to  
6 be anything in there that's very specific.

7 Q. Well, the PHA talks about ongoing leaks from the  
8 CIP, the HIP and the converter?

9 A. No.

10 Q. Why not?

11 A. That is simply not the purpose of the PHA.

12 Q. During the recent turnaround, the cracks and  
13 holes in the CIP, the HIP and the converter were not  
14 able to be repaired all of the way; is that right?

15 A. That's correct.

16 Q. Who made the decision to start back up on October  
17 27th after the turnaround?

18 A. I guess management.

19 Q. And who would that be?

20 A. I don't know.

21 Q. Tom Miller I guess would have to make that  
22 decision?

23 A. I don't know.

24 Q. It wasn't you?

25 A. It was not me.



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1 Q. Okay. Did you attend any meetings or anything in  
2 preparing for the startup on the 7th?

3 A. Yes.

4 Q. Was there a discussion about the repairs that  
5 they weren't able to make in the equipment?

6 A. No. We had hopes that the equipment was  
7 completely repaired.

8 Q. At the meeting before the startup?

9 A. Yes.

10 Q. And who relayed those hopes? How was that  
11 discussed?

12 A. From a planning standpoint.

13 Q. What did they say? How did you get this hope?

14 A. I don't know.

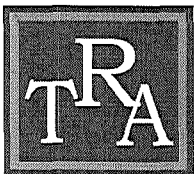
15 Q. Well, who told you what the status of the repairs  
16 were?

17 A. These -- the repair statuses were normally given  
18 by the contracting companies who were doing it and as  
19 well as DuPont inspectors. That's typically where we  
20 got the status from.

21 Q. From those two sources or from the DuPont  
22 inspector?

23 A. From the contractors that were performing the  
24 work and the DuPont inspectors.

25 Q. Who was the DuPont inspectors?



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1       A. Ivy Albares is probably one primary one, and I  
2       guess you would have to talk to Scott Whitlow, who isn't  
3       technically an inspector, but he did provide a lot of  
4       updates on the repair work. He's actually a  
5       metallurgist.

6       Q. Scott is not at Burnside; right?

7       A. That's correct. He's Houston.

8       Q. So anything he did for Burnside would have been  
9       delivered or provided to somebody at Burnside, like Ivy  
10      or Gene?

11      A. Yes.

12      Q. Which one of those, if any, were at this meeting  
13      you were talking about in the planning stages of  
14      starting back up?

15      A. Between who?

16      Q. Ivy and Scott Whitlow.

17      A. Both.

18      Q. What did Ivy Albares say about the repair status?

19      A. That it was complete.

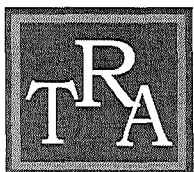
20      Q. What did Scott Whitlow say?

21      A. That it was complete.

22      Q. Did any outside contractors say anything  
23      different than that?

24      A. No.

25      Q. Were any of the outside contractors present?



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1 A. Yes.

2 Q. Which companies were present?

3 A. Volks, Ohmstede.

4 Q. What was that one again?

5 A. Ohmstede.

6 Those were the only two I can recall.

7 MS. BARNEY:

8 Can we take a break?

9 (A recess was taken.)

10 BY MS. BARNEY:

11 Q. You were working on October 27th when the plant  
12 started back up after the turnaround; right?

13 A. Yes.

14 Q. What time did you get to work that day?

15 A. I don't know.

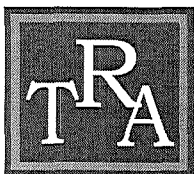
16 Q. There was no particular shift that day; it was  
17 just you arrived at any time?

18 A. Yes. I -- being salary, I can -- I'm expected to  
19 put in 40 hours. I don't remember when I went in that  
20 day.

21 Q. All right. Were you there when the plant started  
22 up?

23 A. Yes.

24 Q. Who else other than operators were there when it  
25 started up?



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1 A. Tom Miller, Elizabeth Cromwell. That's the major  
2 players.

3 Q. And it was day; right, when the plant started up?

4 A. Our first attempt at startup was in the daylight.

5 Q. Okay. What happened to that first attempt?

6 A. We discovered a leak on a drain line coming off  
7 the HIP. It was a gas leak. Persisted for a few  
8 seconds. It was very obvious and we shut the plant  
9 down, attempted to install a temporary clamp on the  
10 drain line, attempted to startup again. Saw minor  
11 leakage, shut it down again and we modified the clamp  
12 and then we started up again and then there was zero  
13 leak.

14 Q. And then you modified what after the -- what you  
15 called minor leakage, you modified what?

16 A. Clamp.

17 Q. Clamp on what?

18 A. On the drain line coming off of the HIP.

19 Q. Okay. And so that stopped the drain line leak?

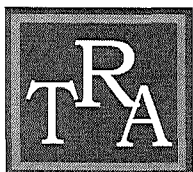
20 A. It did.

21 Q. Okay. So then you started up again?

22 A. Yes.

23 Q. What happened after that?

24 A. It was apparent going into the startup that the  
25 leaks were not 100 percent fixed. Started noticing some



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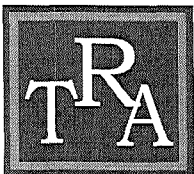
1 gas leaks around the HIP and first pass exit. What was  
2 especially of note is that they were in locations that  
3 weren't leaking before the turnaround and so we held the  
4 process study and did operate around, insured that the  
5 leaks weren't going off site and -- but most  
6 importantly, we were determining where the new leaks  
7 were in order to formulate what the plan going forward  
8 was going to be, which would be either attempt to  
9 contain the leaks, and if the leaks couldn't be  
10 contained, shut the plant down and attempt to fix the  
11 leaks.

12 Q. What time of day was it then -- was it day or  
13 night when you noticed these locations that were leaking  
14 from the HIP and the first pass of the converter; is  
15 that right?

16 A. It was evening. Evening. Approximately, 6, 5 or  
17 6 perhaps.

18 Q. And how could you tell the leaks were coming from  
19 locations that had not been leaking before the  
20 turnaround?

21 A. Well, I have knowledge of where the leaks were  
22 before we went down that were being contained by the  
23 hoses, and I have knowledge of the repairs that were  
24 made. And as we started up, if I see a leak where it  
25 wasn't before, then I assume it was a new leak, and in



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1 this case, it was.

2 Q. So you've seen gas leaks at DuPont before October  
3 27, 2013?

4 A. Yes.

5 Q. And you could tell that these were in a different  
6 location from the ones you had seen before?

7 A. Correct.

8 Q. And when you say contained by the hoses, the gas  
9 is only contained by the hoses as well as the hoses can  
10 contain it; right? You don't know --

11 MS. WATERS:

12 Objection. Leading.

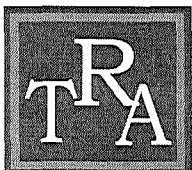
13 BY MS. BARNEY:

14 Q. -- if they're containing all of the gas; right?

15 A. Very visible, sulfuric acid mist is, so my  
16 definition of containment is no visible sulfuric acid  
17 gas.

18 Q. Okay. All right. What new areas did leaks that  
19 you saw on the evening of October 27, 2013 seem to be  
20 coming from? Now, we're not talking about the drain  
21 pipe leak. We're talking about the HIP and the first  
22 pass leak.

23 A. Converter bypass damper -- converter boiler  
24 bypass damper and a different area of the first pass  
25 exit.



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1 Q. The converter boiler bypass damper -- strike  
2 that.

3 A second ago you said converter bypass damper and  
4 then you said converter boiler bypass damper. You were  
5 correcting yourself?

6 A. Right. Boiler. It's boiler.

7 Q. And in a different area of the first pass on the  
8 converter?

9 A. Uh-huh.

10 Q. How could you tell that was in a different area  
11 of the first pass converter?

12 A. It was on a different side of the exit nozzle  
13 than we had seen previously.

14 Q. How did you see this leak to be able to tell  
15 where it was coming from?

16 A. Just it's obvious.

17 Q. Were you looking at it through the camera --

18 A. No.

19 Q. -- that is in the control room?

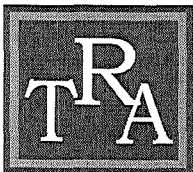
20 A. No, from the ground.

21 Q. So you walked out to the converter and looked at  
22 the gas?

23 A. Correct.

24 Q. About what time was that, the 5 or 6:00 or later?

25 A. Walking around outside and, you know, looking at



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1 the leaks and insuring that there's no offsite impact  
2 was something that took place the entire night. There's  
3 no particular time. It was steady.

4 Q. Why were you looking for offsite impact?

5 A. Well, if I saw any potential for offsite impact,  
6 we would immediately begin ramping down the burden and  
7 possibly shut down the entire process.

8 Q. Why?

9 A. Just the responsible thing to do.

10 Q. So who told you that that responsibility kicks in  
11 at the fence line, if anybody?

12 MS. WATERS:

13 Objection to the form.

14 You can answer.

15 BY MS. BARNEY:

16 Q. If anybody.

17 A. I don't know -- I don't know.

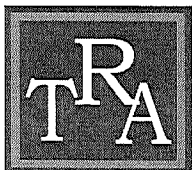
18 Q. That was just part of your training at DuPont?

19 A. I don't know.

20 Q. Did you learn that from somewhere other than  
21 DuPont?

22 A. No.

23 Q. You said -- were you walking around on October  
24 27th all night, or was there other people walking  
25 around?



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1 A. It was myself and the operators on shift. Of  
2 course, I didn't walk for every second of the entire  
3 night, but it was very frequently.

4 Q. Do you know how to tell the difference between  
5 steam and SO3 gas mist?

6 A. If I'm able to ascertain the location, then yes.  
7 It's difficult to tell from a distance.

8 Q. Okay. Do you know the different ways that -- or  
9 do you know whether steam behaves differently in the air  
10 than SO3 does?

11 A. I couldn't tell you by my visual -- I don't know.

12 Q. Who would you have to defer to at DuPont to  
13 determine whether the white, fummy substance was SO3 gas  
14 or steam?

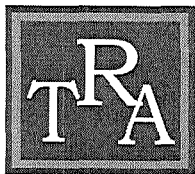
15 A. I would walk up -- I would follow the trail to  
16 the location, and if it was coming from a vessel that  
17 contains steam, then it is steam. If it is from a  
18 vessel that contains SO3 gas, for instance, then most  
19 likely it's SO3 gas.

20 Q. That's what you did on October 27th?

21 A. Yes.

22 Q. Did you also see steam being emitted at the plant  
23 on October 27th?

24 A. There was a lot more steam that night than  
25 typical. We had the vent open on the spent boiler steam



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1 drum which was a lot of steam. It was extremely loud  
2 from the steam being emitted that night, so there was a  
3 lot more steam that night than what you would typically  
4 see at Burnside.

5 Q. Where did you say this was coming from?

6 A. The steam boiler steam drum.

7 Q. Who else followed the SO3 gas to the source on  
8 the night of October 27th?

9 A. Me, along with all of the operators that were on  
10 shift that night.

11 Q. And they did that personally? They weren't doing  
12 it from the camera; right?

13 A. Well, the camera is an invaluable tool from the  
14 control room, but there were also operator rounds.

15 Q. Okay. So the answer is yes, they went walked up  
16 to it on --

17 A. If you see something in the camera, then it would  
18 behoove you to see what it is.

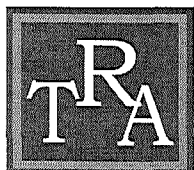
19 Q. Okay. How many SO3 gas leaks have you seen at  
20 night prior to October 27, 2013?

21 A. I don't know.

22 Q. About? Less than five, more than 10?

23 A. I do not know.

24 Q. Too many to remember or you may never have seen  
25 one? I'm trying to understand.



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MS. WATERS:

Object to form.

THE WITNESS:

I don't know.

BY MS. BARNEY:

Q. As you sit here today, can you ever recall seeing an SO3 gas leak at night?

A. Yes.

Q. And how far before October 27th would you say that was?

A. I don't know.

Q. Was there something wrong with the steam boiler on October 27th?

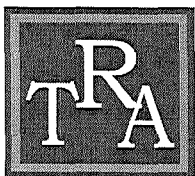
A. We had to operate the boiler feed water system different than we typically do that night because we weren't bringing up the spent side of the process, so there wasn't something wrong with the boiler, but we had to operate it different. That's the reason why the vent had to be open that night.

Q. What documents or computer records would reflect that?

A. That the vent was open?

Q. Yes.

A. There would be no computer records. I don't know of any documents that reflect that other than the



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1 eyewitnesses of four people.

2 Q. Okay. There was a call from the police  
3 department on October 27, 2013; is that right?

4 A. 9-1-1, yes. I don't know if that's the same or  
5 not.

6 Q. 9-1-1 called DuPont?

7 A. Yes, via the -- what's that called, the radio?

8 Q. Gamma?

9 A. Gamma, that's correct.

10 Q. Before that call, did DuPont cut the rates back  
11 on the plant for any reason?

12 A. No.

13 Q. After that call, did DuPont cut the rates back on  
14 the plant?

15 A. Yes.

16 Q. What was the rate before the call and what was  
17 the rate after?

18 A. I do not know.

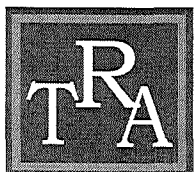
19 Q. And, again, the DCS would tell us that?

20 A. Yes. I don't know what time 9-1-1 called,  
21 though. I don't know if there's any records of that.

22 Q. So how long did you stay out there on October  
23 27th?

24 A. I would say to approximately midnight.

25 Q. So you were there when the police called?



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1 A. Yes.

2 Q. And did you answer the phone and talk to the  
3 police?

4 A. I don't remember there being a police phone call.  
5 All that I'm aware of is the Gamma call from 9-1-1, and  
6 I was there for that.

7 Q. Did you talk to them?

8 A. No.

9 Q. Who spoke with them?

10 A. Board operator.

11 Q. Which one?

12 A. Randall Griffon.

13 Q. And did he tell them about the new leaks that  
14 were coming from the equipment?

15 A. Well, we informed 9-1-1 that we were aware of the  
16 leaks and that there was no possibility for offsite  
17 impact and that we were taking the appropriate measures.

18 Q. You don't have any monitors at the fence line at  
19 DuPont Burnside, do you?

20 A. What kind of monitors?

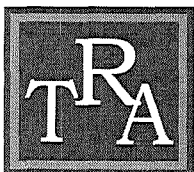
21 Q. SO2 or SO3.

22 A. No.

23 Q. And no cameras on the fence line?

24 A. There are no cameras sitting on the fence line.

25 There are cameras that can be directed toward the fence



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1 line.

2 Q. At perpendicular; right?

3 A. Yes.

4 Q. So there's no camera that runs parallel to the  
5 fence line where you can see that something is crossing  
6 the fence line?

7 A. No.

8 Q. And there's no personnel staged at the fence line  
9 to look down the fence line at all times; right?

10 A. No.

11 Q. So what did you base your advice to this public  
12 authority on when you said there was no potential for  
13 offsite impact if you didn't have that kind of backup?

14 A. As I stated previously, myself along with all of  
15 the operators on shift, we're making foot round across  
16 the process from the moment that the feeds were on.

17 Q. So you were walking around the process area?

18 A. And the fence line.

19 Q. So you walked the fence line --

20 A. Absolutely.

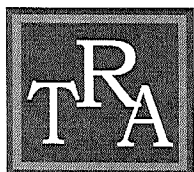
21 Q. -- on the night of October 27th?

22 A. Absolutely.

23 Q. How many times and for how long?

24 A. I don't know. At least three.

25 Q. All right. And which fence line?



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1 A. The fence line that runs parallel with Highway  
2 44.

3 Q. Did you go over and talk to the people at Impala  
4 and ask for their assistance in finding out if any gas  
5 was getting over to them?

6 A. No.

7 Q. Why not?

8 A. I don't think I had the authority to go to  
9 another plant.

10 Q. Who would have to give you the authority?

11 A. I don't know.

12 Q. Did you see employees at Impala over in their  
13 parking lot?

14 A. I saw two sheriffs, two Sheriff's Department  
15 police cars at the Impala parking lot with officers in  
16 them. That's all that I saw.

17 Q. You didn't see any employees of Impala or their  
18 security personnel or anything like that?

19 MS. WATERS:

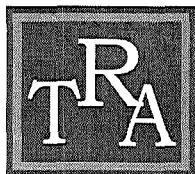
20 Asked and answered.

21 THE WITNESS:

22 Not that I saw.

23 BY MS. BARNEY:

24 Q. Was a camera then directed at the process area on  
25 October 27, 2013 when you were there?



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1 A. Yes.

2 Q. Was it directed at that area of the leaks the  
3 whole night?

4 A. It's a mobile camera. It was definitely in the  
5 area of the leaks at some portions of the night. We use  
6 it for visual verification of lots of things, but it was  
7 definitely on there for a large portion of the night.

8 Q. What portion was it not aimed at the leaks?

9 A. I don't know. You've got to review the video.

10 Q. So when the Gamma radio people called on October  
11 27th, you let one of the operators field that call?

12 A. Yes. The board operator took the call on the  
13 Gamma.

14 Q. Were you a more senior person than this operator?

15 A. Senior in what regard?

16 Q. At the plant, were you in a more senior position  
17 than the operator?

18 A. No. He's worked there for probably two decades.

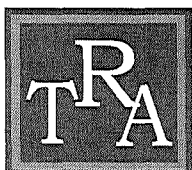
19 Q. That was Randall Griffon?

20 A. Yes.

21 Q. Your first experience with an acid plant started  
22 in June 2011; right?

23 A. That's correct.

24 Q. You've never seen SO3 gas before that time for  
25 sure; right?



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1 A. That's correct.

2 Q. Have you ever had any training on how to tell the  
3 difference between how steam behaves in the air compared  
4 to SO3?

5 MS. WATERS:

6 Asked and answered.

7 THE WITNESS:

8 No.

9 BY MS. BARNEY:

10 Q. Did you call KBR to come out on October 27th to  
11 deal with this new leak that you noticed?

12 A. I did not, no.

13 Q. Did anybody else?

14 A. I don't know. I informed Gene Clemons and talked  
15 to him.

16 Q. I'm sorry?

17 A. I informed Gene Clemons --

18 Q. That night?

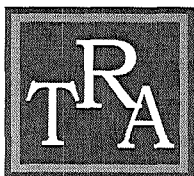
19 A. That night.

20 Q. So you called Gene that night?

21 A. That's correct.

22 Q. And what did he say?

23 A. As the maintenance supervisor, he would have --  
24 of course, I told them the situation. I said we got to  
25 come up with a game plan to get these leaks under



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1 control and he got with -- I don't know what he did  
2 after that, but he organized the response the following  
3 day.

4 Q. Then what happened the next day?

5 A. I came in a little late that day because I had  
6 been out at the plant for the majority of the night.  
7 I'm probably not the best guy to ask.

8 Q. Why were you out there for the startup?

9 A. I'm out there for all startups.

10 Q. Why is that?

11 A. Just in case there's some technical expertise or  
12 some troubleshooting that needs to be done. I'm there  
13 for supporting the operators.

14 Q. Were you out there again on October 28th?

15 A. I don't remember.

16 Q. Do you know how long -- you've testified that you  
17 think the steam damper was open. Do you know how long  
18 that was open?

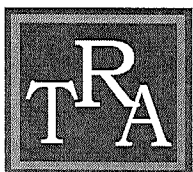
19 A. I know it was open the following morning. When  
20 they closed it that morning, I don't know.

21 Q. So you were there October 28th early?

22 A. I came in late the 28th just because I needed  
23 sleep.

24 Q. Okay.

25 A. But it was closed when I got there, and I



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1 remember Percy Bell mentioning to me that when he got  
2 in, it was still open. So it must have happened  
3 sometime between when I arrived at the plant, which was  
4 around 10 a.m. and 5. It must have happened sometime in  
5 between then.

6 Q. Why would you and Percy be talking about the  
7 damper?

8 A. Me and Percy talk about the process on a daily  
9 basis.

10 Q. Why the damper, though?

11 A. It's not a damper. It's a valve.

12 Q. Didn't you call it a damper or did I make that  
13 up?

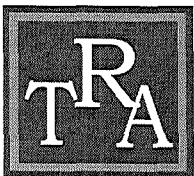
14 A. It's the vent valve. If I called it the damper,  
15 I was --

16 Q. So it was the vent?

17 A. It was the vent on the spent boiler steam drum.  
18 I said that there was a leak on the converter boiler  
19 damper.

20 Q. Why would you be talking about the steam vent  
21 with Percy?

22 A. Me and Percy talk about what the pH of the water  
23 is in the pond on a daily basis. We talk about  
24 essentially everything that goes on in the process on a  
25 daily basis. There's nothing abnormal about it.



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1 Q. You just specifically remember this conversation  
2 about a steam vent?

3 A. Yes.

4 Q. What difference did that make to the process?  
5 Why does that stand out for you?

6 A. Well, it's very loud, you know. It's extremely  
7 loud and puts out a lot of noise, puts out a lot of  
8 steam. I guess me and him were maybe a little bit  
9 surprised that they left it open that long. That's the  
10 end of it.

11 Q. So by the 28th, was the spent side up now?

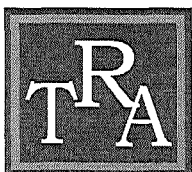
12 A. No, not that I -- no, it was not.

13 Q. But the vent was closed?

14 A. The vent was closed.

15 Q. So I thought you had to have the vent open if the  
16 spent side was down?

17 A. Well, we had flames in the spent furnace at this  
18 time, so you can actually put the burners on the spent  
19 furnace without putting all of the feeds. My definition  
20 of the spent side being on is that the spent sulfuric  
21 acid is being fed into the spent furnace. Another way  
22 to look at it is you have the burners on the spent  
23 furnace. If the burners are on the spent furnace, you  
24 would close the vent, and that's the situation that they  
25 were in that morning.



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1 Q. So the flames were not on the spent side on the  
2 evening of October 27th?

3 A. That's correct, for the majority of that.

4 Q. When did those get turned on?

5 A. I don't know. They put those on after I left.

6 Q. Did you stay at the plant until after dark on  
7 October 28th?

8 A. I don't recall. I want to say I had something  
9 going on. I don't remember.

10 Q. Do you know whether or not SO3 gas was still  
11 leaking on the evening of October 28th?

12 A. Yes.

13 Q. Yes, it was still leaking?

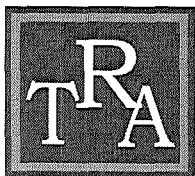
14 A. Yes, it was. We had planned on taking the unit  
15 down on the morning of the 29th, and that was the whole  
16 reasoning why we couldn't completely contain the leaks  
17 with the hoses. So since we couldn't do that, did the  
18 plant outage the following morning.

19 Q. On October 27th, there were no hoses being used;  
20 is that right?

21 A. That's correct.

22 Q. Have you seen any documentation that shows the  
23 number of holes and cracks that were found during the  
24 turnaround and the size of each?

25 A. I've seen documentation that shows the amount of



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1 cracks on some pieces of equipment. I didn't see  
2 information on approximate sizes.

3 Q. So nobody as far as -- well, let me strike that.

4 If a document exists that shows the size of the  
5 holes and cracks that were found in the CIP, the HIP,  
6 the converter, the superheater or any of the ductwork or  
7 plenums during the turnaround, who would have that  
8 document?

9 A. Most likely Ivy Albares, the inspector.

10 Q. Okay. Is he in the maintenance department?

11 A. He's in the maintenance department.

12 Q. So he reports to Gene Clemons?

13 A. That's correct.

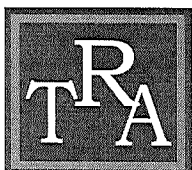
14 Q. So Gene Clemons would have it as well or access  
15 to it?

16 A. He would have access to it.

17 Q. Okay. So you don't know how many holes and  
18 cracks were found and what the size of them was; right?

19 A. I have seen documentation that shows the pictures  
20 and the repair plans of a number of cracks in the pieces  
21 of equipment that were repaired during the 2013  
22 turnaround. I have not seen with that documentation any  
23 approximations of the width of the cracks or the length  
24 of the cracks.

25 Q. And nobody has asked you to run calculations of



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1 the kind you discussed earlier with using the size of  
2 those holes and cracks; right?

3 A. That's correct.

4 Q. You could do that; right? If somebody came to  
5 you now and said here's a crack we found in the HIP and  
6 it's measurements are this size, then you could take  
7 that information, you could pull up the DCS on the  
8 computer, you could get the temperature and the pressure  
9 from the DCS; right?

10 A. You can get the temperature and the pressure from  
11 the DCS.

12 Q. And then if they gave you the dimensions of the  
13 hole and crack they found, you could plug that into your  
14 spreadsheet and you could generate a leak rate; right?

15 A. No.

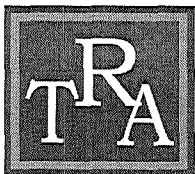
16 Q. Why is that?

17 A. Well, just because we find cracks doesn't mean  
18 that it's an active leak. Evidently, those leaks were  
19 being contained by vacuum hoses, so it wasn't actually  
20 released through atmosphere.

21 Q. I'm not talking about the hoses right now. I'm  
22 talking about the calculations that you've run in the  
23 past.

24 A. Uh-huh.

25 Q. And, you know, the same kind of assessment that



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1 you were talking about then.

2 A. So...

3 Q. Because you don't know whether the hose is doing  
4 its job or not. You can only go by the size of the  
5 crack and the hole; right?

6 A. We can tell if the hose is doing its job or not.

7 Q. If somebody is sitting out there looking at it  
8 when it starts leaking?

9 A. The process is manned 24/7.

10 Q. Okay. The process -- okay. I'm not going to  
11 argue with you. Okay? There's nobody -- the testimony  
12 has been -- you're not the first deposition. Okay? The  
13 testimony has been that nobody sits outside looking at  
14 the hoses 24/7.

15 A. That's correct.

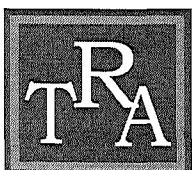
16 Q. Thank you.

17 So you could run a calculation on the amount of  
18 gas escaping the vessel that we were talking about  
19 earlier?

20 A. Uh-huh.

21 Q. If somebody gave you the size of the crack or the  
22 hole, you could pull up from DCS the temperature that  
23 the plant was operating at on any given day and the  
24 pressure; right?

25 A. I could calculate erroneous release calculations



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1 from that.

2 Q. All right. So it's your testimony, then, that  
3 nobody can quantify the amount of gas that has escaped  
4 from the HIP, the CIP and the converter since December  
5 2011?

6 MS. WATERS:

7 Object to form.

8 BY MS. BARNEY:

9 Q. Is that right?

10 A. No.

11 Q. All right. So how much gas has escaped from the  
12 HIP, the CIP and the convertor or the superheater since  
13 December 2011?

14 A. I don't know.

15 Q. And do you know whether anybody at DuPont knows  
16 that?

17 A. I don't know.

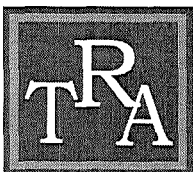
18 Q. You don't know of anyone at DuPont who knows the  
19 answer to that question; right?

20 A. No.

21 Q. Would you say that Lonnie Blanchard has had more  
22 experience working with the hoses and the metal box  
23 system than you have?

24 A. Absolutely.

25 Q. Would you defer to him as to how well those are



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1 working?

2 A. Yes.

3 Q. In the PHA that you're working on, is it  
4 discussed that the equipment that's been leaking is  
5 going to keep leaking until it's replaced?

6 A. No. Again, the PHA just doesn't fit the mold  
7 that you're trying to place it in.

8 Q. I thought you said that the point of the PHA was  
9 to assess risks --

10 A. That's correct.

11 Q. -- of injury to the environment or people.

12 A. That's correct.

13 Q. And so as part of that analysis, it does not look  
14 at whether or not there's going to be SO3 gas leaks? It  
15 doesn't look at the risk of an SO3 gas leak?

16 A. It looks at the risk of a loss of containment for  
17 every piece of equipment on the plant.

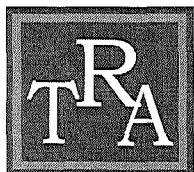
18 Q. And we know that there are some cracks or holes  
19 in the equipment in the acid plant; right?

20 A. I don't know that right now. There has been.

21 Q. All right. I thought you said a little while ago  
22 that there were some leaks -- some holes and cracks in  
23 the equipment right now.

24 MS. WATERS:

25 That's -- object to form.



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1 BY MS. BARNEY:

2 Q. That weren't able to be repaired during the  
3 turnaround. I thought that we started out that way.

4 A. We have taken subsequent shutdowns since then.

5 Q. So it's your testimony today that there are no  
6 holes and cracks in the HIP, the CIP, the converter or  
7 the superheater?

8 A. I don't know.

9 Q. So the PHA does not address any holes or cracks  
10 in the HIP, the CIP, the converter and the superheater;  
11 is that right?

12 A. It does not address specific holes or cracks that  
13 have been in the equipment in the past, no.

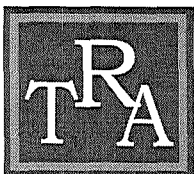
14 Q. And does it address any that have been there that  
15 are there now, if there are any?

16 A. It is a quantitative risk assessment if those  
17 leaks were to happen. Very general.

18 Q. Does it -- I guess we'll get the document and  
19 we'll just resume your deposition at that point. We are  
20 kind of wasting time without it.

21 Did you physically inspect any of the HIP, the  
22 CIP, the convertor or the superheater during the  
23 turnaround?

24 A. Yes, to a certain extent. I think you were  
25 there; remember?



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1 Q. So other than going on a site inspection for the  
2 purpose of this lawsuit, did you do any inspection of  
3 the vessels during the turnaround?

4 A. No.

5 Q. I'll show you a document that we'll mark as  
6 Exhibit 1 to your deposition and I'll ask you to take a  
7 look at this one.

8 (Whereupon a document was marked for  
9 identification as Exhibit Number 1.)

10 BY MS. BARNEY:

11 Q. This is an example of the type of calculation on  
12 the Excel spreadsheet that you were talking about  
13 earlier?

14 A. No, it's not. It is a very similar calculation,  
15 but it doesn't appear to be the spreadsheet that I use.  
16 This was a calculation that was done by Kerry Long, but  
17 it's similar in nature. It will give you, you know,  
18 approximately the same results.

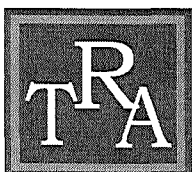
19 Q. How do you know this was done by Kerry Long?

20 A. Because it wasn't done by me.

21 Q. So the only two people that could have done these  
22 at Burnside would have been Kerry Long or you?

23 A. Since I've worked there, yes.

24 Q. And so do you see a date on this? Do you know  
25 when this was done?



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1 A. No, I don't see a date on it.

2 Q. Is it your testimony that the spreadsheet that  
3 you use looks different than this?

4 A. Yeah. It's a different format, yeah.

5 Q. What looks different? We don't have any in a  
6 different format, so I guess I'll put that on hold.

7 MS. WATERS:

8 Yes, you do.

9 MS. BARNEY:

10 I'm sorry?

11 MS. WATERS:

12 There's one attached to the last set of  
13 the documents that I just gave you.

14 MS. BARNEY:

15 Today?

16 MS. WATERS:

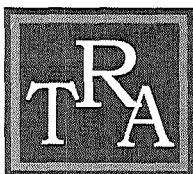
17 Yeah. Go to the very last page. And,  
18 I'm sorry, I got it really small. It's miniscule.

19 That's what he's talking about.

20 BY MS. BARNEY:

21 Q. Okay. This is a document that we're just getting  
22 today and it's got tiny print and it says, "sulfur  
23 furnace." Is that what Bates number 1036 says at the  
24 top of the middle column?

25 A. Yes. I see "sulfur plant."



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1 Q. On the left.

2 A. Oh, okay. That is -- on the left, you'll see  
3 typical compositions of different points of the acid  
4 plant. So what you do is, see, the first box says, "use  
5 typical gas composition." You say yes, and then you say  
6 where the leak source is at. And in this instance, I've  
7 chosen first pass exit. So it will pull the typical  
8 composition of the first pass exit from the table on the  
9 right, insert that into mode percentage, then you enter  
10 the heat ratio coefficient from essentially a table and  
11 then you put the temperature and source pressure and the  
12 leak area, and then that result will give you the total  
13 release rate.

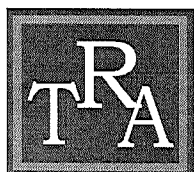
14 Q. Why does the middle column say, "sulfur furnace"?  
15 What does that mean?

16 MS. WATERS:

17 She's looking right here. Right there.

18 THE WITNESS:

19 Oh, okay. So sulfur furnace first pass  
20 exit, so in this particular spreadsheet, you have the  
21 spent side and you have the sulfur side, so I've chosen  
22 typical sulfur plant calculations. And that's what that  
23 is. So we've got sulfur furnace, access for sulfur  
24 furnace, first pass exit, second pass exit, third pass  
25 and so on.



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1 BY MS. BARNEY:

2 Q. So the two or three calculations you've done have  
3 been using this format?

4 A. I've only used this spreadsheet.

5 Q. Where did you get this format?

6 A. Tom Mullar.

7 Q. So this has some sort of -- if you click on first  
8 pass, then it gives you some pre-populated numbers --

9 A. That's correct.

10 Q. -- for pressure and temperature?

11 A. No, no, not for pressure and temperature, but for  
12 composition.

13 Q. What do you mean composition?

14 A. In other words, the molar percentage of SO<sub>2</sub>,  
15 molar percentage of SO<sub>3</sub>, nitrogen and all of the gasses  
16 that are in there. You have to input manually the  
17 temperature, the pressure, but --

18 Q. And the area of the hole?

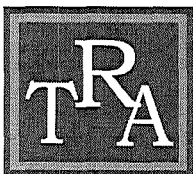
19 A. Right, the area of the hole.

20 Q. On this other spreadsheet, have you ever used the  
21 spreadsheet that we marked as Exhibit 1, that format?

22 A. No, I've never used it.

23 Q. And nobody ever trained you on how to use that?

24 A. I've never received training on it and I've never  
25 used it.



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MS. BARNEY:

Is this the only one we have?

MS. WATERS:

Yes.

BY MS. BARNEY:

Q. Were you involved in preparing these investigation reports that's Bates labeled 1030 through 1036 or 7?

A. This is the one we're talking about?

MS. WATERS:

Yes.

THE WITNESS:

The one that happened on February 10th?

MS. BARNEY:

Of 2013, yes.

THE WITNESS:

Okay. I prepared the leak calc, which I think is the one that you got right now.

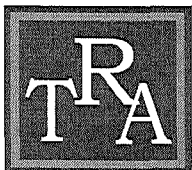
BY MS. BARNEY:

Q. Okay. Is this one of the calculations that you're describing earlier?

A. Exactly.

Q. Who gave you this area of the hole for this calculation?

A. I don't recall.



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1 Q. What is the area of the hole that you used in  
2 this calculation?

3 A. It would appear I used 1.125 square inches. Am I  
4 reading that right? What it looks like -- I got kind of  
5 a bad copy but...

6 MS. WATERS:

7 That's not any better on this, either.

8 MS. BARNEY:

9 Maybe we can get somebody to blow it up.

10 THE WITNESS:

11 Yeah, I got 1.125.

12 BY MS. BARNEY:

13 Q. Square inches?

14 A. Square inches.

15 Q. Area of the hole?

16 MS. WATERS:

17 You want to go off record to see?

18 MS. BARNEY:

19 Yeah. Maybe we can blow it up.

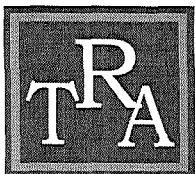
20 (A recess was taken.)

21 MS. BARNEY:

22 DSF 1030 through 1037 as Exhibit 2.

23 (Whereupon documents were marked for  
24 identification as Exhibit Number 2.)

25 BY MS. BARNEY:



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1 Q. Do you know what CCA stands for in terms of an  
2 organization?

3 A. Yes. Oh, no, I do not. Sorry.

4 Q. Have you ever heard of the Chemical Council?

5 A. No.

6 Q. You recall during the site inspection a lot of  
7 the equipment -- when I say site inspection, I mean the  
8 inspection on October 4th, 2013 when Mr. Simoneaux and  
9 another gentleman who's a consulting expert and myself  
10 came out to the site.

11 A. Oh, okay. All right.

12 Q. You recall that there was insulation on equipment  
13 at that time?

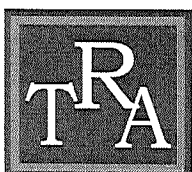
14 A. Was this the first visit or the second?

15 Q. I think it's the second, when they actually went  
16 up on the scaffolding.

17 A. Oh, there was insulation on portions of the  
18 equipment that at the time we were sure weren't looking  
19 damaged. In other words, we didn't plan on -- we took  
20 off all that we planned on removing.

21 Q. So you took insulation off of the parts that you  
22 knew were leaking?

23 A. Well, we have operated this equipment since 2009  
24 and, you know, from that experience, we know where the  
25 typical failure points are. So we removed the



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1 insulation where we knew the typical failure points of  
2 the equipment was.

3 Q. So you removed it from the parts you thought were  
4 leaking?

5 A. Yes.

6 Q. And after that inspection -- well, strike that.

7 At the inspection, I believe y'all indicated that  
8 you didn't know if you would be removing any more  
9 insulation. Do you recall that?

10 A. That's correct.

11 Q. Did you end up removing more insulation?

12 A. I don't know.

13 Q. Who would know that?

14 A. Gene Clemons.

15 Q. The first cold shutdown that you're aware of at  
16 DuPont Burnside was started September 27, 2013?

17 MS. WATERS:

18 Object to form.

19 THE WITNESS:

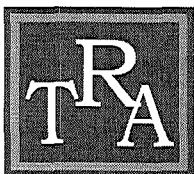
20 The first cold shutdown?

21 BY MS. BARNEY:

22 Q. That you were employed by DuPont for.

23 A. No. It was not the first. I've been involved in  
24 at least four up to this point.

25 Q. So it's your testimony that there have been four



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1 cold shutdowns at DuPont Burnside since June of 2011?

2 A. If not more.

3 Q. Do you know what a cold shutdown is?

4 A. Yes.

5 Q. What is that?

6 A. It's when the sulfur furnace is at a temperature  
7 below auto-ignition point of sulfur.

8 Q. Do you know if others have testified that there's  
9 been no cold shutdowns since June 25, 2013, do you think  
10 maybe they're using a different definition of a cold  
11 shutdown?

12 MS. WATERS:

13 Object to the form.

14 BY MS. BARNEY:

15 Q. Or do you know why there might be --

16 A. I don't know. We did go a long streak, you know.  
17 We had a good run, but I've been involved in, like I  
18 said, at least four.

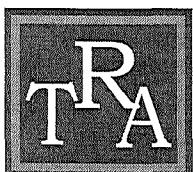
19 Q. When you say you did a long streak, what does  
20 that mean?

21 A. In the year 2012, we went approximately a year  
22 without one.

23 Q. So it's your testimony that --

24 A. I'm talking about since June 2011; right.

25 Q. But I guess there would have been a major



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1 turnaround in the fall of 2011?

2 A. No.

3 Q. A normal turnaround?

4 A. No. There was no turnaround.

5 Q. There was a turnaround in April of 2011?

6 A. That's correct.

7 Q. You were not there for that?

8 A. That's right.

9 Q. And that would have been a cold shutdown?

10 A. I wasn't there for that, so...

11 Q. When they have these major turnarounds, is it  
12 typically a cold shutdown?

13 A. Oh, it's always a cold shutdown for a turnaround.

14 Q. So if anybody else in this case has testified  
15 that the first cold shutdown since December 2011  
16 occurred September 27 of 2013, would you disagree with  
17 that?

18 A. No.

19 MS. WATERS:

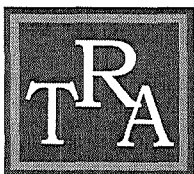
20 Object to the form.

21 BY MS. BARNEY:

22 Q. So you recall a cold shutdown before December  
23 2011?

24 A. Yes.

25 Q. You do not think there were any cold shutdowns



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1 between December 2011 and September 27, 2013?

2 A. I don't recall one. But there was, you know, a  
3 decent amount in 2011, kind of between June and the end  
4 of the year.

5 Q. Were any KBR employees on hand on the evening of  
6 October 27, 2013 when the startup was going on?

7 A. Yes.

8 Q. Who were they?

9 A. I recall Mark Macha. I recall Robert Cayette and  
10 Ray Clemons.

11 Q. That's Gene Clemons' son?

12 A. Nephew.

13 And that's all I recall.

14 Q. How late did they stay?

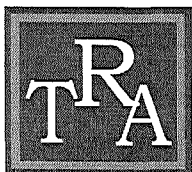
15 A. I don't remember. They stayed -- they were  
16 involved primarily in the fashioning of the clamp that I  
17 mentioned before. And I would say hours after that, but  
18 I don't remember exactly.

19 Q. Were black plastic hoses with the metal boxes put  
20 back up on October 28th, 2013?

21 A. I don't know.

22 Q. Whenever the spent side of the plant is shut  
23 down, there's no vacuum going; is that right?

24 A. That's not completely correct. The vacuum comes  
25 from the dry tower, so you can have plenty of vacuum and



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1 the spent side could be nonoperational.

2 Q. There's no plans right now for a cold shutdown to  
3 do any more work on the CIP, the HIP or the converter;  
4 is that right?

5 MS. WATERS:

6 Leading.

7 THE WITNESS:

8 There is a capital plan right now to  
9 replace the HIP, the CIP.

10 BY MS. BARNEY:

11 Q. When is that going to happen?

12 A. Unknown right now. Right now it's in the design  
13 phases, so as soon as possible.

14 Q. If Tom Miller said it would be at least a year,  
15 do you have any reason to dispute that?

16 MS. WATERS:

17 Object to form.

18 THE WITNESS:

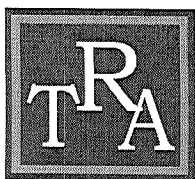
19 I do not. That's about right.

20 BY MS. BARNEY:

21 Q. Have you ever provided any information to the  
22 EPA, DEQ or any other environmental agency regarding  
23 leaks from the HIP, the CIP and the converter?

24 A. I have spoken to the LADEQ on a few occasions.

25 Q. When was the first occasion?



1 A. I don't recall.

2 Q. Have you ever spoken with any other environmental  
3 agencies besides the DEQ?

4 A. Environmental agencies, no. I have spoken with  
5 some other regulatory agencies.

6 Q. Who?

7 A. The Coast Guard.

8 Q. Any others?

9 A. Not that I recall.

10 Q. Have you ever provided any information to the  
11 EPA?

12 A. No.

13 MS. WATERS:

14 What type of information? I'm sorry.

15 MS. BARNEY:

16 Any information.

17 THE WITNESS:

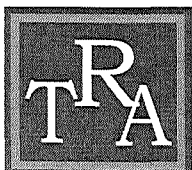
18 Huh-uh, not personally.

19 BY MS. BARNEY:

20 Q. Do you know of anybody who has provided any  
21 information about the leaks from the HIP, the CIP or the  
22 convertor or superheater to the EPA?

23 A. Not that I know of.

24 Q. Have you or anyone else that you know of provided  
25 any information to the EPA about the hose box vacuum



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1 system that has been used at DuPont Burnside to try to  
2 suck up the leaks?

3 A. Not that I know of.

4 Q. All right. The first time that you spoke with  
5 DEQ, was that when DEQ called one evening?

6 A. The times that I've spoken with DEQ in the past  
7 has all been face-to-face.

8 Q. All right. And so the first one of those, how  
9 did that come about, the first time?

10 A. They come to the plant. We let them in and  
11 discuss whatever they'd like.

12 Q. Okay. I guess I'm going to focus on times when  
13 DEQ comes for things other than permitted releases.  
14 Okay?

15 A. Okay.

16 Q. So like the outfall, I'm not talking about that,  
17 for example.

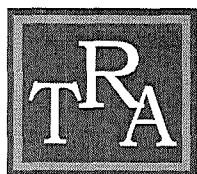
18 A. Okay.

19 Q. And I think there's been testimony that one  
20 evening DEQ came out to the site in the last -- since  
21 the leak started with the CIP and the HIP and the  
22 converter?

23 A. An evening?

24 Q. Yes.

25 A. I wasn't there for that, but I do know what



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1 you're talking about.

2 Q. All right. So you weren't there?

3 A. No.

4 Q. What other visits from DEQ do you recall?

5 A. Typically, they were the investigations on  
6 complaints by individuals and they come to the plant to  
7 complete their investigation.

8 Q. Are you referring to one recently like in the  
9 last month or two?

10 A. There was one in the last month or two.

11 Q. Okay. What other ones do you recall other than  
12 those?

13 A. That I was involved in, I remember them  
14 occurring. They asked for information. We gave it to  
15 them and I don't know of anything else that happened.

16 Q. So there was one on one evening and you weren't  
17 there for that?

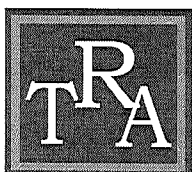
18 A. That's right.

19 Q. And then there was one, looks like November 8th  
20 of 2013. I'll show you this document. You can confirm  
21 that. We'll mark this as Exhibit 3.

22 (Whereupon a document was marked for  
23 identification as Exhibit Number 3.)

24 BY MS. BARNEY:

25 Q. This is a Louisiana Department of Environment



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1 Quality field interview form?

2 A. Yes. That's the one that recently happened.

3 That's correct. I remember this one.

4 Q. And that was November 8th of 2013; right?

5 A. Uh-huh.

6 Q. So what other ones, other than the one where you  
7 heard somebody came out and one that they drafted this  
8 field report that you recall being involved with or  
9 knowing about?

10 A. I remember being involved in one other one other  
11 than this. I don't recall exact dates. It was a while  
12 ago.

13 Q. A while meaning what? A year?

14 A. At least a year.

15 Q. So on the first one that you were involved with,  
16 why were you talking to the DEQ then?

17 A. It was an allegation about spilling acid on the  
18 ground via railcar.

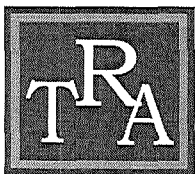
19 Q. Other than this incident that's reflected on  
20 Exhibit 3, have you ever talked to DEQ about any  
21 allegations about gas leaks?

22 A. Not that I remember.

23 Q. All right. And you have seen Exhibit 3 before?

24 A. No. I've never actually seen this. No.

25 Q. It states here that you gave a tour to the DEQ



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1 folks; is that right?

2 A. That's correct.

3 Q. Do you recall giving this tour --

4 A. I do.

5 Q. -- on November 8th of 2013?

6 A. Yes.

7 Q. How many DEQ people did you take on the tour?

8 A. Two.

9 Q. And you took them to the location of the drain  
10 valve leak?

11 A. That's right. The information that they were --  
12 the questions that they had dealt specifically with a  
13 leak that was on the ground. It was like, "Well, we got  
14 this complaint you've got a really bad leak on the  
15 ground." You know, the only leak we had on the ground  
16 that day was the drain valve leak. That's what I  
17 assumed that the allegation -- well, not the allegation,  
18 but the complaint was about.

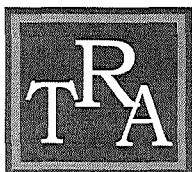
19 Q. Okay.

20 A. And I also told them about that. I also told  
21 them about the leaks that proceeded after that as well.

22 Q. What do you mean by that? You took them to the  
23 drain valve leak; right?

24 A. That's correct.

25 Q. Okay. And you're saying that you also told them



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1 about some other leaks?

2 A. I remember prior testimony where I explained that  
3 we fixed the leak on the drain, and then as we started  
4 up, we began to see leaks from the first pass exit and  
5 from the converter boiler bypass damper. I gave that  
6 information to them as well.

7 Q. Okay.

8 A. And brought them to the locations.

9 Q. I'm sorry?

10 A. And I also showed them those locations.

11 Q. Why do you think that's not in their report?

12 A. I don't know.

13 Q. But it's your testimony under oath that you told  
14 them about the additional leaks and told them about  
15 those locations?

16 MS. WATERS:

17 Asked and answered.

18 THE WITNESS:

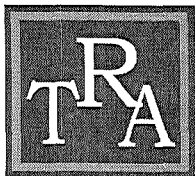
19 Yes, ma'am.

20 BY MS. BARNEY:

21 Q. Where was this new location on the HIP? You said  
22 it was on the other side from where it had been before;  
23 is that what you said earlier?

24 A. No. The first pass exit. Not...

25 You know, and the reason I think probably that



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1 they -- you know, you see that in reports is they were  
2 asking specific questions that day about a ground leak.  
3 That was really the main thing that they were asking  
4 questions about, and the only ground leak that we had  
5 that night was the drain. So I, you know, told them  
6 about it. Showed them the clamp that we had fashioned.  
7 The specific complaint was there's a ground leak. That  
8 was the only thing I could think of.

9 Q. Did you tell them about the prior leaks that had  
10 been going on for a couple of years?

11 A. No.

12 Q. Did you talk to them about the black plastic  
13 hoses?

14 A. No.

15 Q. Were the black plastic hoses being used at the  
16 plant on November 8th, 2013?

17 A. Yes.

18 Q. Did you take them to inspect any of those black  
19 hoses?

20 A. No.

21 Q. This document says that the leak was fixed on  
22 October 28th, 2013; do you see that?

23 A. Oh, yeah, yeah.

24 Q. That was only the drain valve leak; right?

25 A. Yes.



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1 Q. The other leaks weren't fixed by that time;  
2 right?

3 A. Not completely. I think they were fixed on the  
4 29th.

5 Q. Who made the decision on October 27, 2013 to cut  
6 back rates at the plant?

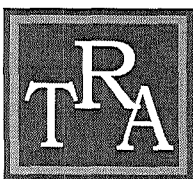
7 A. Oh, me.

8 Q. Why did you make that decision?

9 A. At the time, I concluded that I had already found  
10 the location of all of the leaks and especially the  
11 location of the new leaks. And I was afraid, before I  
12 was confident where all of the leaks was, if I reduced  
13 the leaks, I'm not going to be able to see them anymore.  
14 So once I was, you know, confident that I had determined  
15 where all of the leaks were and especially where the new  
16 leaks were, I said, well, let's go ahead and bring this  
17 unit down to something that's very, very low where we  
18 can keep the catalyst hot still and not be cold and  
19 still not be -- have the potential for offsite impact.

20 And I left that night with the instruction to the  
21 operators, you know, go ahead and bring it down to as  
22 low as you can go, see how it looks, and if at any point  
23 you think it's unreasonable, bring it down.

24 Q. So you instructed the operators to do what in  
25 terms of making sure something wasn't unreasonable?



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1 What were they supposed to do?

2 A. The operators are trained, just like myself, if  
3 we think there's any potential for offsite impact, you  
4 know, we want to bring the rates down. If that doesn't  
5 mitigate it, then we're going to shut everything down.

6 Q. So I guess the operators can tell the difference  
7 between SO3 gas and steam; right, in order to be able to  
8 make that determination?

9 MS. WATERS:

10 Object to the form.

11 THE WITNESS:

12 They were to track down the location of  
13 the white fumes, then, yes, they would be able to tell.

14 BY MS. BARNEY:

15 Q. Is it your understanding that the only way people  
16 at Burnside who have worked there for years and years  
17 can tell whether white fumes are SO3 gas or steam is by  
18 tracing it to the source?

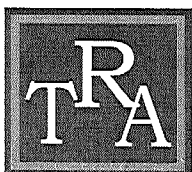
19 MS. WATERS:

20 Object to the form.

21 THE WITNESS:

22 Yes. I've seen operators that have  
23 worked at the plant for over 20 years mistake a steam  
24 fume for a gas leak.

25 BY MS. BARNEY:



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1 Q. But the question was whether it was your  
2 understanding that the only way that operators can tell  
3 the difference is to trace the fumes to the source?

4 MS. WATERS:

5 Same objection.

6 THE WITNESS:

7 I don't know.

8 BY MS. BARNEY:

9 Q. Did you do any video of October 27, 2013 in order  
10 to document your tracing these white fumes to their  
11 source?

12 A. No.

13 Q. Why not?

14 A. Why would I?

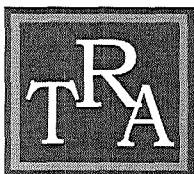
15 Q. So that you could document what was a gas leak  
16 and what was steam?

17 A. My job, you know, as assistant to operations is  
18 to aid in the operations and the operators and operate  
19 the plant, bringing the plant up, troubleshooting if  
20 necessary. I'm not there to document whether or not  
21 we're doing something -- I'm not there to document the  
22 mistakes.

23 Q. And you're not there to document gas leaks?

24 MS. WATERS:

25 Object to the form.



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1 THE WITNESS:

2 With a video camera, no.

3 BY MS. BARNEY:

4 Q. Did Mr. Miller instruct you to delete these  
5 spreadsheet calculations after you prepared them?

6 A. No. That's a personal practice.

7 Q. Do you know what the policy is at DuPont for  
8 deleting or destroying documents like that?

9 A. Yes, I do. I do.

10 Q. And what policy covers those kinds of  
11 calculations?

12 A. That would be CRIM (spelled phonetically).

13 Q. And do you know how long you're supposed to keep  
14 data that might be supportive of an investigational  
15 report?

16 A. Well, I still have it. It's in my inbox, but,  
17 no, I don't know the exact date or times.

18 Q. You mean in your sent box?

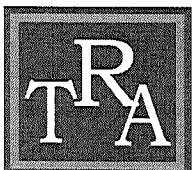
19 A. Right.

20 Q. Do you know long e-mails are kept?

21 A. Approximately, a year.

22 Q. You're aware that Mr. Miller has discouraged  
23 employees from contacting outside authorities about gas  
24 leaks; right?

25 MS. WATERS:



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1                   Objection.   Leading.

2                   MS. BARNEY:

3                   I think I can lead.   He's not my guy.

4                   MS. WATERS:

5                   But that's okay, if you're aware.

6                   MS. BARNEY:

7                   I'm sorry?

8                   MS. WATERS:

9                   That's all right.   Go ahead.

10                  THE WITNESS:

11                  I'm sorry.   Could you ask that again?

12                  BY MS. BARNEY:

13                  Q.   You're aware that Mr. Miller has discouraged  
14                  employees from calling outside authorities about gas  
15                  leaks at the plant?

16                  MS. WATERS:

17                  Object to form.

18                  BY MS. BARNEY:

19                  Q.   Is that right?

20                  A.   I'm not aware.

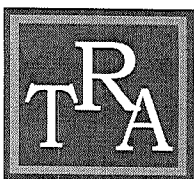
21                  Q.   You're not aware that he's done that?

22                  MS. WATERS:

23                  Same objection.

24                  THE WITNESS:

25                  I'm not aware.



1 BY MS. BARNEY:

2 Q. Are you aware that Mr. Miller has discouraged  
3 sending e-mails about gas leaks at DuPont?

4 MS. WATERS:

5 Object to the form.

6 THE WITNESS:

7 I'm not aware.

8 BY MS. BARNEY:

9 Q. When you say you're not aware, does that mean you  
10 do not know that one way or the other?

11 A. That's correct.

12 Q. Would you be surprised that Mr. Miller  
13 discouraged employees from calling outside authorities  
14 about gas leaks?

15 MS. WATERS:

16 Object to the form.

17 THE WITNESS:

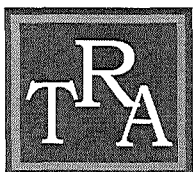
18 Yes, assuming we have a legal obligation  
19 to do so, you know.

20 BY MS. BARNEY:

21 Q. Other than reviewing the documents we talked  
22 about today and meeting with Ms. Waters, did you speak  
23 with anyone else about your deposition today?

24 A. Yes.

25 Q. Who else did you speak with?



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1 A. Tom Miller.

2 Q. When did you talk to him?

3 A. Last week.

4 Q. What did y'all talk about?

5 A. His deposition, how it went.

6 Q. Did he talk -- y'all talked about some of the  
7 questions that were asked and the topics?

8 A. Nothing specific. Generalities.

9 Q. Who else did you talk with?

10 A. That's it.

11 (A recess was taken.)

12 BY MS. BARNEY:

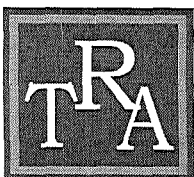
13 Q. When you talked to Mr. Miller, did he tell you  
14 that there was an audio recording of him at a meeting,  
15 at a morning meeting or a specially-called meeting?

16 A. He told me that there was some audio. We didn't  
17 get real specific, you know, but he said there was some  
18 audio.

19 Q. Did he tell you there was an audio of a meeting  
20 in which he was discouraging employees from calling the  
21 authorities about gas leaks?

22 A. No.

23 Q. So is it your testimony that you've never heard  
24 Mr. Miller tell employees not to call the authorities  
25 about gas leaks?



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1       A. I heard -- he said something similar to that in  
2 one meeting, but it wasn't in that context. It was more  
3 along the context of if you have issues, bring it up to  
4 management first; let's talk about it first before  
5 bringing in outside agencies. I remember something  
6 similar to that, but that was really a long time ago.  
7 Maybe if you play the audio, maybe I'll have a better  
8 recollection.

9       Q. Okay. So it's your testimony, yes or no, that  
10 you heard him telling people if you know who's calling  
11 the authorities, tell them to stop?

12           MS. WATERS:

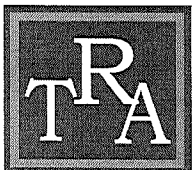
13               Asked and answered.

14           THE WITNESS:

15               I don't remember him saying anything  
16 like that. I do remember him saying essentially, you  
17 know, if you're dissatisfied with something at work, you  
18 know, try to keep it internal if possible and not bring  
19 in outside authorities where it wasn't warranted. I  
20 remember something like that once. I don't -- that's  
21 been over a year ago. I don't remember exact words, so  
22 I'd hate to, you know, misquote.

23           BY MS. BARNEY:

24       Q. Do you recall in October of 2012 you going and  
25 getting Leo Scott and bringing him to the office to meet



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1 with Tom Miller because Leo Scott had been wearing  
2 protective equipment, personal protective equipment at  
3 the site?

4 A. We brought Leo in to see Tom because he was  
5 wearing his full respirator mask in a way that made his  
6 job more hazardous than it needed to be.

7 Q. So the answer to my --

8 A. Improper use of PPE.

9 Q. So the answer to my question is yes?

10 A. The improper PPE.

11 Q. But my question was, do you recall going and  
12 getting Leo Scott and bringing him into Tom Miller's  
13 office because he was wearing protective equipment?

14 MS. WATERS:

15 Asked and answered.

16 THE WITNESS:

17 Because he was wearing protective  
18 equipment improperly.

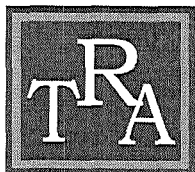
19 BY MS. BARNEY:

20 Q. But the answer is yes; right? Yes, you went and  
21 got him because of protective equipment --

22 A. That's not the full answer, but, yes, because he  
23 was wearing his protective equipment improperly.

24 Q. And that was your opinion?

25 MS. WATERS:



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1 Object to the form.

2 THE WITNESS:

3 No, that's not my opinion.

4 BY MS. BARNEY:

5 Q. Mr. Scott was wearing what you think was  
6 improper?

7 A. He was wearing his full face respirator -- well,  
8 it was alleged -- I didn't personally see him -- that he  
9 was wearing his full face respirator and full acid suit  
10 while moving railcars.

11 Q. And why did you have a problem with that?

12 A. It was the middle of August, extremely hot.  
13 Moving railcars is a relatively difficult job, and how  
14 you deal with PPE is you only wear PPE when it decreases  
15 the hazard of the tasks that were being performed. In  
16 this case, wearing that amount of PPE for that job  
17 increased the hazard of the task itself.

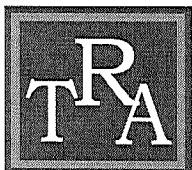
18 Q. And was there any investigational report done to  
19 come to that conclusion?

20 A. I don't know.

21 Q. You don't know?

22 A. I don't know.

23 Q. And at that time, there were these hosed  
24 contraptions hooked up trying to suck up the SO3 gas at  
25 the plant; right?



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MS. WATERS:

Objection to form.

THE WITNESS:

Yes.

BY MS. BARNEY:

Q. And there was equipment leaking at the time;  
right?

A. I don't know.

Q. And in May of 2012, Mr. Scott had been exposed to  
SO3 gas at the site; right?

MS. WATERS:

Object to the form.

THE WITNESS:

I don't know.

BY MS. BARNEY:

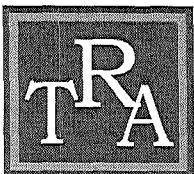
Q. You don't know about that?

A. No. I really wasn't involved in any of that.  
I've only heard hearsay. Probably not the best guy to  
even ask.

Q. Well, you said a second ago that you heard  
hearsay about him wearing the protective equipment;  
right?

A. No. That's not hearsay. I was filling in for  
Elizabeth Cromwell at that time.

Q. And you saw him wearing the protective equipment?



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1 A. It was alleged by many, many people.

2 Q. But you didn't see it; right?

3 A. He admitted to it. So he admitted to it, and  
4 many people said they saw it, so I assumed it was true.

5 Q. So Mr. Scott had said that he was exposed to SO3  
6 at the site, and you're discarding that as hearsay?

7 A. I don't know. I wasn't there. I know he alleged  
8 it, and I also know that he reported it many days late.  
9 I also know that the doctor didn't confirm it, either.  
10 That's what I know.

11 Q. Well, that's your belief; right?

12 MS. WATERS:

13 Object to form.

14 BY MS. BARNEY:

15 Q. Have you seen any doctor records from the doctor  
16 he went to see that's not the company doctor?

17 A. I've seen no medical records of Leo Scott. I'm  
18 not allowed to see any medical records of Leo Scott.

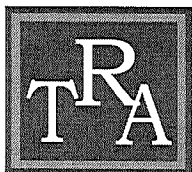
19 Q. So what's the basis for you to testify that the  
20 medical records did not confirm his allegations?

21 A. Why are you asking me about it, then?

22 Q. What is the basis for your testimony that his  
23 medical records did not confirm his allegations?

24 A. Only hearsay. That's it.

25 Q. From whom?



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1 A. I don't know.

2 Q. Mr. Miller?

3 A. It could have been anyone from management.

4 Q. So Mr. Scott comes back to work after being out  
5 for a physical back injury or something like that;  
6 right, in October 2012?

7 A. The reasoning as to why he was out, I'm not  
8 privileged to that.

9 Q. So he comes back to work after being out; right?

10 A. Right.

11 Q. And before he went out on leave, he contends that  
12 he breathed in SO3 gas; right?

13 A. That's my understanding.

14 Q. And as far as you know, there was no formal  
15 investigation reported as to whether he did or did not  
16 breathe in SO3 gas; correct?

17 A. I don't know about the specifics of the  
18 investigation.

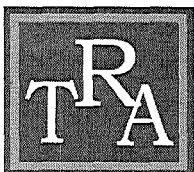
19 Q. You don't know whether there was one; right?

20 A. I don't know. I wasn't involved in it.

21 Q. If it existed; right?

22 A. I don't know if it existed or not.

23 Q. And so when he's back out in the process area  
24 where the plastic black hoses are trying to suck up the  
25 SO3, he wears PPE, a mask and a suit, while he's out



1       there; right?

2                   MS. WATERS:

3                   Object to the form.

4                   THE WITNESS:

5                   Yes, while with the railcars. Correct.

6 BY MS. BARNEY:

7       Q. And how do you come to be the one to go get him  
8 and bring him to Tom's office to talk?

9       A. I was asked.

10      Q. By whom?

11      A. By Tom.

12      Q. And what did Tom tell you?

13      A. To bring Leo to his office.

14      Q. Did he say why?

15      A. No. But I had a pretty good idea.

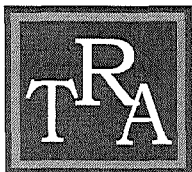
16      Q. How did you have a good idea?

17      A. I had heard from multiple people what they had  
18 saw, which was him wearing a full acid suit in the  
19 middle of the day with a full face respirator while  
20 moving railcars.

21      Q. And at the time he was wearing that, the plant  
22 was running; right?

23      A. Yes.

24      Q. And there's no alarm system or anything like that  
25 on these hoses that's going to tell you in advance when



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1 they melt down; right?

2 A. No.

3 Q. So Tom brings Leo into his office and confronts  
4 him or discusses the PPE; is that right?

5 A. Yes.

6 Q. And afterward, did Tom tell Leo Scott that he  
7 needed to -- well, strike that.

8 They were actually two meetings between Tom and  
9 Leo Scott on the same day; right?

10 A. I don't remember. There could have been. The  
11 meeting that I really remember is the heated one.

12 Q. Okay.

13 A. That's really the only one I remember.

14 Q. And Tom was upset; right?

15 MS. WATERS:

16 Object to form.

17 THE WITNESS:

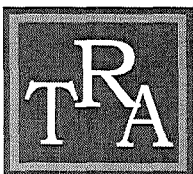
18 I would say Leo was extremely upset.

19 BY MS. BARNEY:

20 Q. And was Tom upset?

21 A. He was relatively calm.

22 Q. Did Tom tell Leo Scott that he needed to go home  
23 and that he could not come back to work until he saw  
24 Denise and was -- the company nurse and was mentally  
25 evaluated?



1 A. I don't remember.

2 Q. You don't remember that?

3 A. I know he was sent home. All of the other  
4 specifics I'm not sure about.

5 Q. You do not recall, as you sit here under oath,  
6 Tom Miller telling Leo Scott that he needed to leave and  
7 that he could not come back to work until he had been  
8 mentally evaluated?

9 MS. WATERS:

10 Asked and answered.

11 THE WITNESS:

12 I know he was sent home. The reasoning  
13 behind it, I was not really privileged to that.

14 BY MS. BARNEY:

15 Q. I'm not asking you the reasoning behind it. I'm  
16 asking you whether he was told that he needed to be  
17 mentally evaluated before he could come back to work.

18 MS. WATERS:

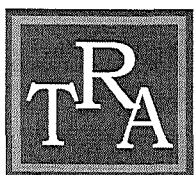
19 Objection. Asked and answered.

20 THE WITNESS:

21 I don't remember.

22 BY MS. BARNEY:

23 Q. Do you remember having a phone conversation with  
24 Mr. Scott the next morning because Tom Miller had called  
25 him to come back to work?



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1 A. I remember having a phone conversation with him.  
2 I thought it was the day before that meeting, though.  
3 It wasn't?

4 Q. Do you recall having a conversation with  
5 Mr. Scott where Mr. Scott was telling you that he's  
6 concerned about coming back to work -- even though Tom  
7 Miller called him to come back to work, he was concerned  
8 about coming back because he had been sent home by Tom  
9 Miller and told he had to get mentally evaluated first?

10 A. Yes. I do remember that phone call now, yes.

11 Q. So it's your understanding that Mr. Miller sent  
12 Leo Scott home and said, "You have to be mentally  
13 evaluated before you can come back to work," but then  
14 Tom Miller changed his mind called Leo Scott to come  
15 back to work? You remember that?

16 MS. WATERS:

17 Asked and answered.

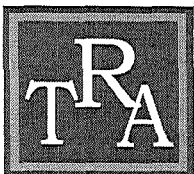
18 THE WITNESS:

19 I don't remember all the specifics.

20 BY MS. BARNEY:

21 Q. Do you remember Leo Scott calling you or you  
22 calling him about coming back to work before any mental  
23 evaluation? Do you recall that?

24 A. I do remember him -- I can't remember who  
25 initiated the call, but it was along the lines of asking



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1 him to come to work because he was scheduled to come in  
2 for work and -- but I remember my advice to him being  
3 essentially, "Probably in your best interest to come in  
4 on in." It's been over a year ago. I don't remember  
5 any -- much more than that.

6 Q. But you remember Leo Scott saying, "But he told  
7 me to leave and only come back if I got mentally  
8 evaluated," so now you're -- you know, you had mixed  
9 information. Do you recall that discussion with him?

10 MS. WATERS:

11 Object to form.

12 THE WITNESS:

13 I don't remember the mental evaluation  
14 piece, but I do remember advising him that it's probably  
15 his best interest to go ahead and come into work that  
16 day.

17 BY MS. BARNEY:

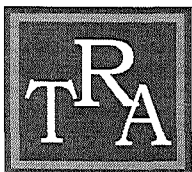
18 Q. So you don't remember any discussions with  
19 anybody about Mr. Scott being told he had to be mentally  
20 evaluated?

21 MS. WATERS:

22 Asked and answered.

23 THE WITNESS:

24 I don't remember that. I thought it  
25 was all about the PPE.



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1 BY MS. BARNEY:

2 Q. Well, it is about the PPE.

3 A. Well, what I remember about it.

4 Q. He wore PPE; right?

5 A. Correct.

6 Q. And got called into Tom Miller's office; right?

7 A. That's correct.

8 Q. And then Mr. Miller told him -- this is the part  
9 that we have been going over. Mr. Miller told him that  
10 you have to go home because you wore the PPE.

11 A. Right. That's correct.

12 Q. "And you can't come back until you've been  
13 mentally evaluated."

14 MS. WATERS:

15 Asked and answered.

16 THE WITNESS:

17 I don't remember the mental evaluation  
18 part, but I do remember the rest of that.

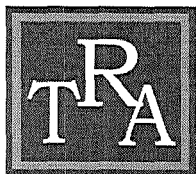
19 BY MS. BARNEY:

20 Q. So what changed? You recall that he was sent  
21 home?

22 A. Yes.

23 Q. And you just don't recall the instruction that he  
24 get mentally evaluated?

25 MS. WATERS:



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1                   Asked and answered.

2                   THE WITNESS:

3                   I don't recall that.

4       BY MS. BARNEY:

5           Q. All right. So what changed between the time he  
6       was sent home and the time he was told to come back to  
7       work?

8           A. I don't know.

9           Q. As far as you know, nothing?

10          MS. WATERS:

11                Asked and answered.

12          THE WITNESS:

13                I know something.

14       BY MS. BARNEY:

15           Q. Nothing changed between the time he was sent home  
16       and the time he was told to come back to work, as far as  
17       you know?

18          MS. WATERS:

19                Asked and answered.

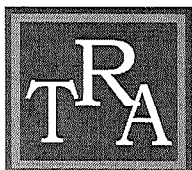
20          THE WITNESS:

21                I really don't know, as far as I know.

22           I don't know.

23       BY MS. BARNEY:

24           Q. Did you and the operators wear PPE on the night  
25       of October 27, 2013 when you traced the SO3 gas to its



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1 source?

2 A. No.

3 Q. Do you remember when we were there for the site  
4 inspection instructing the folks there to watch for the  
5 windsock -- to watch the windsock to see what direction  
6 the wind was blowing?

7 A. When you came?

8 Q. Yes.

9 A. Yes. I remember that.

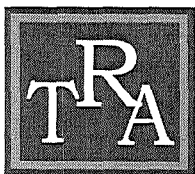
10 Q. And it's your understanding that the employees  
11 are supposed to do that; they're supposed to watch the  
12 windsock and stay on the upwind side of the windsock?

13 A. Upwind side of what?

14 Q. The windsock.

15 A. How you properly read a windsock is the windsock  
16 tells you what direction, of course, the wind is  
17 blowing, but without the knowledge of the visibility of  
18 the vapor cloud, there might as well not even be a sock  
19 there. So you find the vapor cloud. You look at the  
20 sock and you get upwind from it, but without a release,  
21 the sock is just there for a general indication. You  
22 don't walk outside and look at a sock. Now, you look  
23 for the sock when you see a cloud. That's when you look  
24 for the sock.

25 Q. You recall on the site inspection where



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1 Mr. Simoneaux was allowed to climb up the scaffolding  
2 and look at the equipment?

3 A. Yes.

4 Q. The plant was not operating at that point; right?

5 A. That is correct.

6 Q. And you still required that he put on an acid  
7 suit; right?

8 A. No. It was a Saranex.

9 Q. What kind of suit? What's the difference?

10 A. An acid suit is comprised of a Butyl rubber  
11 material. Consists of overall pants and sort of a light  
12 jacket with hermetically sealed gloves and acid boots.  
13 A Saranex is a Tyvek that is coated in a special  
14 protective chemical.

15 Q. Why did you have him put on a suit like that?

16 A. It's always possible that sulfates or some sort  
17 of residual could fall upon you and burn you.

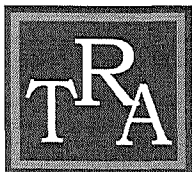
18 Q. Were you and the operators wearing a Tyvek suit  
19 on the evening of October 27?

20 A. No.

21 Q. It was hot the day of that site inspection when  
22 Mr. Simoneaux was climbing up on the scaffolding; right?

23 A. Yes.

24 Q. Have you ever breathed in SO3 gas while you've  
25 worked at DuPont?



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1 A. I have got whiffs of acid mist, yes.

2 Q. About how many different times?

3 A. I would say a handful.

4 Q. During the day or at night or some of each?

5 A. Always during shutdowns is how I've ever had a  
6 whiff of it. When you're taking equipment out of  
7 service, you may get a whiff. I've never been exposed  
8 to it while operating.

9 (Whereupon documents were marked for  
10 identification as Exhibit Number 4.)

11 BY MS. BARNEY:

12 Q. I will show you a document that we'll mark as  
13 Exhibit 4, Bates labeled DSF 688 through 692 from April  
14 2012, an e-mail from Gene Clemons to you and some other  
15 folks; is that right?

16 A. That's what it looks like, yes.

17 Q. Do you know whether or not this shutdown or the  
18 work described here ever happened?

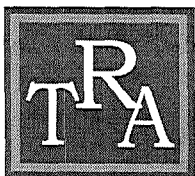
19 A. Let me review this a little bit so I can figure  
20 it out.

21 Q. Okay.

22 A. Let's see. Okay. Yeah. I believe I know where  
23 this came from now.

24 As far as the work is concerned --

25 MS. WATERS:



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1 Let her ask the question.

2 THE WITNESS:

3 Yeah. I think I remember this.

4 BY MS. BARNEY:

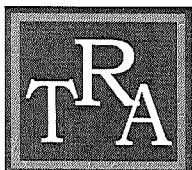
5 Q. Do you know whether this shutdown happened when  
6 it was planned, or I guess this --

7 A. Well, this wasn't actually a plan for a shutdown.  
8 What this was was some things to look into to try to  
9 keep from having a, you know, long-term shutdown that  
10 would sneak up on us. So take, for instance, about the  
11 release valve. So the question was, can we go another  
12 six months with the release valve? Is that okay as part  
13 of the PSM manual and things like that. So it wasn't a  
14 planned shutdown. It was a plan that -- a meeting that  
15 we had where we had these action items for us to look  
16 into to see if there was anything that we can get ahead  
17 of so that a long-term shutdown didn't happen. In other  
18 words, try to be proactive with equipment, that sort of  
19 deal.

20 Q. All right. Did anything on here pertain to the  
21 leaks from the CIP, the HIP or the converter that had  
22 been happening by that time?

23 A. I don't see anything on here about that.

24 Q. When you go into a shutdown, you blow out the gas  
25 that's in the vessels; right?



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1 A. Yes, you do.

2 Q. And that gas just goes into the environment;  
3 right?

4 A. That's right.

5 Q. And is that what was happening the times that you  
6 breathed in the SO3 gas?

7 A. No.

8 Q. Do you know why you breathed in the SO3 gas on  
9 those occasions that you did?

10 A. Normally, it is. Well, all of my occasions was  
11 when we were working on some equipment or pipe and maybe  
12 we didn't clear the line out as well as we tried to.  
13 Maybe I'd get a whiff then. That's the only time I've  
14 ever been exposed. That's always during shutdown  
15 maintenance work, that type of deal. And when I say  
16 exposed, I mean sniff and walk away from it.

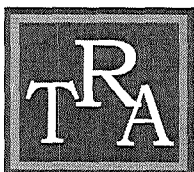
17 Q. If Mr. Lewis Chu testified that nobody has  
18 contacted him from Burnside since he transitioned to  
19 another job, except conversations he's had with Percy  
20 Bell, would you have any reason to dispute that?

21 A. No.

22 Q. You haven't reached out to Lewis Chu since, say,  
23 summer of 2012?

24 A. That would probably be about accurate, yes.

25 Q. That's correct?



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1       A. Yes. I haven't contacted Lewis since he left the  
2 organization.

3       Q. Left what organization?

4       A. The sulfur products organization.

5       Q. He's still with DuPont; right?

6       A. Right. He's in a different business unit.

7       Q. During the turnaround that occurred recently in  
8 September to October of 2013, some ultrasonic testing  
9 was done on equipment by Acuren Inspection; is that  
10 right?

11      A. Yes.

12      Q. And the data collected from that inspection was  
13 downloaded to DuPont's data management system; right?

14      A. Should have been.

15      Q. And so that is accessible to folks at DuPont  
16 Burnside; right?

17      A. That is accessible to mostly Ivy Albares.

18      Q. Okay.

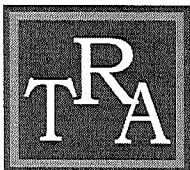
19               MS. BARNEY:

20               We would just put that information on  
21 the list of things that we asked for I don't think we  
22 have.

23               MS. WATERS:

24               Okay.

25               BY MS. BARNEY:



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1 Q. Would the work by the other contractors, Volks  
2 and Ohmstede, also be collected that way on the DuPont  
3 computer system?

4 A. There should be in -- repair plans and repair  
5 summaries of the equipment should be accessible.

6 MS. BARNEY:

7 Okay. We would ask for those to be  
8 produced as well, preferably before Mr. Clemons'  
9 deposition.

10 MS. WATERS:

11 Okay.

12 BY MS. BARNEY:

13 Q. Was it your job to determine which cracks and  
14 holes that were found during the turnaround were giving  
15 rise to the external leaks?

16 A. No.

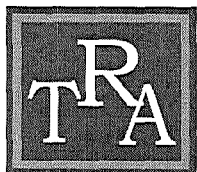
17 Q. Did you have any involvement in preparing a  
18 response to an OSHA letter that Tom Miller sent to OSHA  
19 on June 1 of 2013?

20 A. No.

21 Q. Nobody consulted with you about a response to  
22 OSHA?

23 A. No.

24 Q. I guess if we can go back to the exhibit that had  
25 a page that was too little to read, it's Exhibit 2 and



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1 ask you to take a look at Bates Page -- must be 1036,  
2 which is blown up in large size. This Bates number is  
3 cut off of that one. Write it if that's okay.

4 MS. WATERS:

5 That's it.

6 THE WITNESS:

7 Is this it?

8 MS. WATERS:

9 That's it.

10 BY MS. BARNEY:

11 Q. If you look down on the left side where it says  
12 pounds per hour of SO3.

13 A. Okay. Yeah.

14 Q. You calculated that to be 90 pounds per hour of  
15 SO3 gas being released from this hole; is that right?

16 A. That's what it looks like.

17 Q. And you calculated the total SO3 gas released in  
18 a 10-hour period to be 300 pounds; is that right?

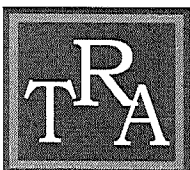
19 A. Yeah. That's what it shows. That don't look  
20 right.

21 Q. What do you mean it doesn't look right?

22 A. Oh, no. Okay. Never mind. Yeah. Okay.

23 Q. Do you know why you were asked to calculate this  
24 particular leak?

25 A. Yes. I suppose Tom Miller felt that it was



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1 warranted to get a quantitative assessment.

2 Q. On the report Bates Page 1034 --

3 MS. WATERS:

4 Hold on one second. Okay. All right.

5 BY MS. BARNEY:

6 Q. On Page 1034, under material type, you put  
7 "gases-toxic"?

8 A. Uh-huh.

9 Q. And then he has name of chemical material, he put  
10 sulfur dioxide and sulfur trioxide; is that right?

11 A. Yeah.

12 Q. And on the next column, he totaled -- the numbers  
13 you have on your calculation, he totaled the number for  
14 SO3 and SO2 and combined it and wrote 404; right?

15 A. Yes.

16 Q. And then it says, "Released out of secondary  
17 containment to air"; is that right?

18 A. Yes.

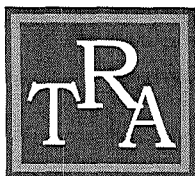
19 Q. And that just means the environment?

20 A. Yes.

21 Q. Other than providing the calculation on Page  
22 1036, were you involved in the preparation of this  
23 investigation report?

24 A. No.

25 Q. And remind me, did you know who gave you the area



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1 of the hole for this calculation, or is this the one you  
2 did not know?

3 MS. WATERS:

4 Asked and answered.

5 THE WITNESS:

6 I do not remember.

7 BY MS. BARNEY:

8 Q. I'm sorry?

9 A. I do not remember.

10 Q. This isn't -- the only one I thought you  
11 remembered was the one Gene -- one time Gene Clemons  
12 gave you?

13 A. I do remember Gene in one calculation being the  
14 one to relay that information. I don't recall which  
15 specific one that was.

16 Q. So you don't know if it was this one or not?

17 A. That's correct.

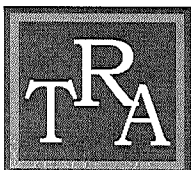
18 Q. Do you know if this area of the hole that was  
19 given to you here was just an estimate or whether it  
20 actually reflected the size of a hole or crack in the  
21 equipment?

22 A. It was a visual estimate.

23 Q. But you don't know who visually made it; right?

24 MS. WATERS:

25 Asked and answered.



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1 THE WITNESS:

2 I do not.

3 BY MS. BARNEY:

4 Q. Do you know if any picture was made when that  
5 visual estimate was made? I mean, picture of the hole  
6 that they purport to be estimating.

7 A. I'm not aware of any.

8 Q. If you look on Page 1031, there is a little icon  
9 for a Word document and it says, "Incident quality  
10 assurance questionnaire."

11 A. (Nodding head.)

12 Q. Do you know what that document is?

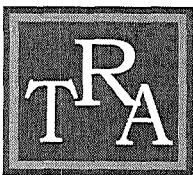
13 A. That is a document that is in every incident that  
14 you do. It's a checklist that you look at and it asks  
15 you a series of questions of when you -- to give you  
16 hints as to whether or not your investigation was good  
17 or adequate. It's like a checklist, did you check this,  
18 did you check this, did you perform this correctly. So  
19 it's like a check -- like a little cheat sheet for the  
20 person doing the investigation.

21 Q. Do you see that printed out here with this  
22 document?

23 A. I don't.

24 MS. BARNEY:

25 Lori, I guess we'll just ask for a copy



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1 of that, too. I don't know that I've seen it on the  
2 other ones.

3 MS. WATERS:

4 I think I produced it, but I'm not sure.  
5 I'll double check.

6 THE WITNESS:

7 That's the same for all of it. It's  
8 just a...

9 MS. WATERS:

10 Jane, I'm going to look, but I think  
11 that questionnaire is in the essay part.

12 MS. BARNEY:

13 Okay.

14 MS. WATERS:

15 So I'll double check for you. But if  
16 not, then I'll go ahead and give it to you.

17 BY MS. BARNEY:

18 Q. Have you ever observed SO3 gas cross the fence  
19 line at DuPont?

20 A. No.

21 Q. Have you ever known Jeff Simoneaux to be  
22 dishonest from the time you worked with him or any other  
23 time?

24 A. No.

25 Q. Are you aware of a truck driver coming into



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1 contact with a leaking gas at the Burnside site?

2 A. No.

3 Q. Have you looked at any video of gas leaks at the  
4 DuPont site other than your work in looking at Camera  
5 13?

6 A. Yes.

7 Q. What video have you looked at?

8 A. I have looked at the video that Jeff made on the  
9 27th.

10 Q. When did you look at that?

11 A. This morning.

12 MS. WATERS:

13 I'm sorry. I need to attach that since  
14 he looked at the 27th and the 28th video.

15 MS. BARNEY:

16 Okay.

17 BY MS. BARNEY:

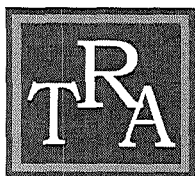
18 Q. Any other video that you've looked at?

19 A. No.

20 Q. And any audio that you've listened to?

21 A. I have heard none of the audio.

22 Q. Okay. When you looked at the October 27, 2013  
23 video or the October 28th, were you -- I guess the  
24 camera was unable to trace the gas -- the fumes to the  
25 source like you described doing when you were there?



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1 A. Jeff's camera?

2 Q. Let me strike that and start over.

3 When you looked at the October 27, 2013 video,  
4 did you see the source of the gas -- the SO3 gas leak  
5 that you said you traced down on October 27, 2013?

6 A. Difficult to tell from video. I could only make  
7 guesses.

8 Q. So you couldn't see the source on the video for  
9 sure?

10 A. Not for sure, no. It was just guesses.

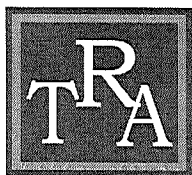
11 Q. So then you're not able to tell which white fumes  
12 were steam and which were SO3 gas; right?

13 A. Well -- no. I mean, I know that there were leaks  
14 because I was there, but from the video, I really  
15 couldn't -- I couldn't tell.

16 MS. BARNEY:

17 I think I'll reserve the rest of my time  
18 until we get the documents we requested, and if we need  
19 to resume, maybe we can talk about that, but I think you  
20 can run for now.

21 (Testimony concludes at 4:47 p.m.)  
22  
23  
24  
25



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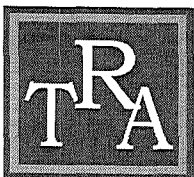
1 WITNESS' CERTIFICATE:  
2

3 I, Dan Monholland, read or have had the  
4 foregoing testimony read to me and hereby certify that  
5 it is a true and correct transcription of my testimony,  
6 with the exception of any attached corrections or  
7 changes.  
8  
9  
10

11 \_\_\_\_\_  
12 Dan Monholland  
13

14 \_\_\_\_\_ Signed with corrections noted.

15 \_\_\_\_\_ Signed without corrections noted.  
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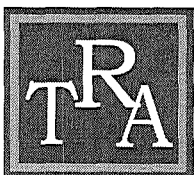
## 1 REPORTER'S CERTIFICATE:

2  
3 I, ELICIA H. WOODWORTH, Certified Court  
4 Reporter in and for the State of Louisiana, as the  
5 officer before whom this testimony was taken, do hereby  
6 certify that Dan Monholland, after having been duly  
7 sworn by me upon authority of R.S. 37:2554, did testify  
8 as hereinbefore set forth in the foregoing 146 pages;

9 That this testimony was reported by me in  
10 the stenotype reporting method, was prepared and  
11 transcribed by me or under my personal direction and  
12 supervision, and is a true and correct transcript to the  
13 best of my ability and understanding;

14 That the transcript has been prepared in  
15 compliance with transcript format required by statute or  
16 by rules of the board, that I have acted in compliance  
17 with the prohibition on contractual relationships, as  
18 defined by Louisiana Code of Civil Procedure Article  
19 1434 and in rules and advisory opinions of the board;

20 That I am not related to counsel or to the  
21 parties herein, nor am I otherwise interested in the  
22 outcome of this matter.  
23  
24  
25

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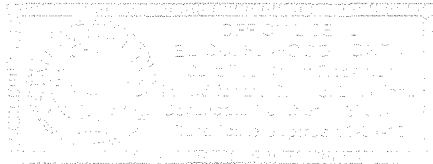
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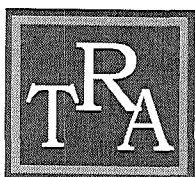
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1 Dated this 4th day of January, 2014.



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